

Title 5

FOOD-SERVICE ESTABLISHMENTS*

* **Note to Title 5.** For administrative rules relevant to this title, look for a following "R" title of the same number.

Chapter 5.02

GENERAL PROVISIONS

5.02.010 Short title.

The rules and regulations set out in this title may be cited and referred to, and shall be known as the "King County Food Code."
(R&R 91 §1(part), 5-14-93)

5.02.020 Purpose and policy.

A. In compliance with 246-215 WAC, this title is enacted as an exercise of the board of health powers of King County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this title to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon the owner of each food service establishment within its scope, and no provision nor term used in this title is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this title to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of King County by its officers, employees or agents.

(R&R 91 §1(part), 5-14-93)

5.02.030 Enforcement authority.

This title shall be enforced by the health officer. This title shall be enforced in accordance with Chapter 1.08 of this code.

(R&R 91 §1(part), 5-14-93)

5.02.040 Authority to promulgate rules.

The health officer is authorized to make rules and regulations not inconsistent with the provisions of this title for the purpose of enforcing and carrying out its provisions.

(R&R 91 §1(part), 5-14-93)

5.02.050 Construction.

The provisions of this title do not apply to or govern the construction of and punishment of any offense committed prior to the effective date of the rules and regulations codified in this title or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(R&R 91 §1(part), 5-14-93)

Chapter 5.04 DEFINITIONS

5.04.010 Generally.

As used in this title, unless the context clearly requires another meaning, the words defined in this title shall have the meaning given them in this chapter.

(R&R 91 §1(part), 5-14-93)

5.04.020 Abbreviations.

- A. "DOH" means Washington State Department of Health.
- B. "FDA" means United States Food and Drug Administration.
- C. "HACCP" means hazard analysis, critical control point.
- D. "PPM" means parts per million.
- E. "USA" means United States of America.
- F. "USDA" means United States Department of Agriculture.
- G. "WSDA" means Washington State Department of Agriculture.

(R&R 91 §1(part), 5-14-93)

5.04.030 Adulterated.

"Adulterated" means the condition of a food:

- A. If it bears or contains poisonous or deleterious substance in a quantity that may render it injurious to health;
- B. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;
- C. If it consists in whole or in part of any filthy or decomposed substance, or if it is otherwise unfit for human consumption;

D. If it has been processed, prepared, packed or held under an unsanitary condition, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

E. If it is in whole or in part the product of a diseased animal, or an animal that has died otherwise than by slaughter; or

F. If its container is composed in whole or in part of any poisonous or deleterious substance that may render the contents injurious to health.

(R&R 91 §1(part), 5-14-93)

5.04.040 Approved.

"Approved" means approved in writing by the health officer.

(R&R 91 §1(part), 5-14-93)

5.04.050 Approved source.

"Approved source" means foods which are obtained by the food service establishment owner from a person who complies with applicable federal, state and local laws, ordinances and regulations.

(R&R 91 §1(part), 5-14-93)

5.04.060 Aquatic foods.

"Aquatic foods" means foods grown in or harvested from water, including all types of fish, shellfish and mollusks, edible crustacea, reptiles, amphibians, and mixtures containing aquatic foods and synthetic foods, such as surimi.

(R&R 91 §1(part), 5-14-93)

5.04.070 Base of operation.

"Base of operation" means an approved site for servicing, cleaning, sanitizing, supplying, maintaining and storing a mobile food unit.

(R&R 91 §1(part), 5-14-93)

5.04.080 Bed and breakfast.

"Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers, tourists and transient guests which provides food service only to registered guests.

(R&R 91 §1(part), 5-14-93)

5.04.090 Bulk food.

"Bulk food" means processed or unprocessed food in containers where consumers withdraw desired quantities.

(R&R 91 §1(part), 5-14-93)

5.04.100 Caterer.

"Caterer" means any person operating a food service establishment that pursuant to a prior order or agreement prepares food, provides transportation for such food to other premises for

consumption, and serves food, sets up a buffet for self-service or prepares food for immediate service, either as the primary function of the establishment or as an activity additional to another requiring a permit issued pursuant to this title.

(R&R 91 §1(part), 5-14-93)

5.04.110 Commissary.

"Commissary" means an approved food service establishment in which food, containers, equipment and/or supplies are kept, handled, prepared, packaged or stored for use in another food establishment or location.

(R&R 91 §1(part), 5-14-93)

5.04.120 Consumer.

"Consumer" means a person who eats or drinks food or purchases or receives food products.

(R&R 91 §1(part), 5-14-93)

5.04.130 Corrosion-resistant.

"Corrosion-resistant" means a material maintaining original surface characteristics under prolonged contact with food, cleaning compounds, or sanitizing solutions, and the general conditions-of-use environment.

(R&R 91 §1(part), 5-14-93)

5.04.140 Critical control point.

"Critical control point" means a location where exercising a preventive measure or procedure eliminates, prevents or minimizes a hazard or hazards from occurring after that point.

(R&R 91 §1(part), 5-14-93)

5.04.150 Cross-contamination.

"Cross-contamination" means the process where disease causing organisms are transferred from raw meat, poultry, rabbit and aquatic foods to equipment or ready-to-eat foods.

(R&R 91 §1(part), 5-14-93)

5.04.160 Department.

"Department" means the Public Health Department of King County.

(R&R 91 §1(part), 5-14-93)

5.04.170 Durable.

"Durable" means capable of withstanding expected use and remaining easily cleanable.

(R&R 91 §1(part), 5-14-93)

5.04.180 Easily cleanable.

"Easily cleanable" means readily accessible with materials and finish fabricated to permit complete removal of residue by normal cleaning methods.

(R&R 91 §1(part), 5-14-93)

5.04.190 Equipment.

"Equipment" means all stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam-tables and similar items, other than utensils, used in the operation of a food service establishment.

(R&R 91 §1(part), 5-14-93)

5.04.200 Extensively remodeled.

"Extensively remodeled" means having undergone a change in condition from that existing prior to the commencement of the remodeling work, that results in one or more of the following circumstances:

A. The square footage of the food-preparation area or the area where food is served to the public is increased by more than twenty percent (20%);

B. Food service capacity is increased by more than twenty percent (20%) by the installation of equipment or fixtures; or

C. The food service establishment provides, for the first time, seating or drive-in parking spaces for its patrons.

(R&R 91 §1(part), 5-14-93)

5.04.210 Event.

"Event" means an occurrence of some significance which requires purpose, structure and promotion. An event must be for a defined time and generally includes other activities besides food.

(R&R 91 §1(part), 5-14-93)

5.04.220 Fabricated.

"Fabricated" means potentially hazardous foods combined with other ingredients and formed into a new food product.

(R&R 91 §1(part), 5-14-93)

5.04.230 Food.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

(R&R 91 §1(part), 5-14-93)

5.04.240 Food additive.

"Food additive" means substances added directly or indirectly to food.

(R&R 91 §1(part), 5-14-93)

5.04.250 Food contact surfaces.

"Food contact surfaces" means those surfaces of equipment and utensils normally contacting food, and those surfaces where food may drain, drip, or splash back onto surfaces

normally in contact with food.
(R&R 91 §1(part), 5-14-93)

5.04.260 Food demonstration.

"Food demonstration" means the serving, without charge, of any sample of food, drink or food product for the purpose of publicizing, advertising or promoting the sale of that food, food product or associated food preparation equipment.
(R&R 91 §1(part), 5-14-93)

5.04.270 Food demonstrator.

"Food demonstrator" means any business which provides personnel who conduct food demonstrations.
(R&R 91 §1(part), 5-14-93)

5.04.280 Food preparation.

"Food preparation" means thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning or packaging food for a consumer, except that trimming or cleaning of whole vegetables or fruits for display and sale shall not be considered food preparation.
(R&R 91 §1(part), 5-14-93)

5.04.290 Food processing establishment.

"Food processing establishment" means any commercial establishment in which food is processed or otherwise prepared, packaged or repackaged into another container for consumption or resale off-site. A food processing establishment may provide for on-site consumption for up to twelve (12) persons if toilet facilities for patrons are available.
(R&R 91 §1(part), 5-14-93)

5.04.300 Food promotion.

"Food promotion" means the serving of only nonpotentially hazardous nonalcoholic beverages and hot dogs, with or without a charge, for the purpose of publicizing, advertising or promoting the beverages.
(R&R 91 §1(part), 5-14-93)

5.04.310 Food promoter.

"Food promoter" means any business which provides personnel who conduct food promotion.
(R&R 91 §1(part), 5-14-93)

5.04.320 Food service establishment.

"Food service establishment" means:

A. A place, location, operation, site or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served or offered to the consumer regardless of

whether or not compensation for food occurs, including but not limited to:

1. Restaurants, snack bars, cafeterias, taverns, bars;
2. Retail food stores, supermarkets, retail meat markets, retail fish markets, retail bakeries, delicatessens;
3. Food services in schools and private higher education learning facilities;
4. Institutional operations licensed by DOH, such as hospitals, prisons, state licensed higher education learning facilities and child care facilities;
5. Central preparation sites, including caterers;
6. Satellite servicing locations;
7. Temporary food service establishments and mobile food units;
8. Bed and breakfast operations;
9. Remote feeding sites; and
10. Vending machines dispensing potentially hazardous foods.

B. Except for the following:

1. Private homes where food is prepared or served for consumption by household members and/or their nonpaying guests;
 2. Establishments offering only commercially prepared and packaged nonpotentially hazardous foods sold or given packaged for off-premise consumption or consumption without further preparation;
 3. Commercial food processing establishments, licensed and regulated by the USDA, FDA or WSDA; and
 4. Farmers exempt from licensure under RCW 36.71.090.
- (R&R 91 §1(part), 5-14-93)

5.04.330 Food service worker.

"Food service worker" means the owner, an individual having supervisory or management duties, and any other person working in a food service establishment.
(R&R 91 §1(part), 5-14-93)

5.04.340 Frozen.

"Frozen" means the condition of a food when it is continuously stored at or below ten degrees Fahrenheit (10° F.).
(R&R 91 §1(part), 5-14-93)

5.04.350 Game meat.

"Game meat" means warm-blooded and cold-blooded animals, excluding fish and meat food animals as defined by USDA, noncommercially raised and processed without continuous regulatory surveillance, including, but not limited to:

- A. Mammals such as deer, elk, antelope, buffalo and bear;
 - B. Birds; and
 - C. Reptiles such as alligator.
- (R&R 91 §1(part), 5-14-93)

5.04.360 Graywater.

"Graywater" means all the waste water generated by a food service establishment except for toilet wastes and garbage disposal wastes.
(R&R 91 §1(part), 5-14-93)

5.04.370 Grocery store.

"Grocery store" means a food service establishment selling commercially prepared and prepackaged potentially hazardous foods requiring refrigeration or freezer control, whole produce and/or bulk foods for consumption off-site.
(R&R 91 §1(part), 5-14-93)

5.04.380 Hazard analysis critical control point (HACCP).

"Hazard analysis critical control point (HACCP)" means a method used to reduce the risk of foodborne illness by:

- A. Identifying hazards of high risk foods;
 - B. Assessing the hazards posed by each preparation step;
 - C. Determining the critical points for controlling hazards;
 - D. Monitoring a critical control point or points; and
 - E. Implementing immediate and appropriate corrective action when control criteria are not met.
- (R&R 91 §1(part), 5-14-93)

5.04.390 Health officer.

"Health officer" means the director of Public Health of King County and any of his/her designated representatives.
(R&R 91 §1(part), 5-14-93)

5.04.400 Hermetically sealed container.

"Hermetically sealed container" means a properly designed container, intended to keep the contents free of contamination by microorganisms and to maintain the commercial sterility of its contents after thermal processing.
(R&R 91 §1(part), 5-14-93)

5.04.410 Hot dog.

"Hot dog" means a precooked ready-to-eat sausage as defined by USDA Regulations, Chapter 319, processed in a facility under USDA inspection.
(R&R 91 §1(part), 5-14-93)

5.04.420 Immediate service.

"Immediate service" means foods served to the public within thirty (30) minutes of preparation.
(R&R 91 §1(part), 5-14-93)

5.04.430 Imminent or actual health hazard.

"Imminent or actual health hazard" means a situation which if not corrected, has a high probability of causing an illness or an exposure known to cause illness. This includes, but is not limited to:

A. A breakdown or lack of equipment or power for enough time to enhance the growth of microorganisms in potentially hazardous foods;

B. Lack of safe, adequate or hot water which prevents proper hand washing or equipment cleaning and sanitizing;

C. Major incidents, accidents or natural disasters which will contaminate the water system, food supplies or equipment. Examples include fire, flooding or building collapse;

D. A sewage backup within an establishment significant enough to contaminate patrons, employees, food supplies and/or equipment;

E. A food service establishment which is linked to an outbreak of an on-going foodborne illness.

(R&R 91 §1(part), 5-14-93)

5.04.440 Law.

"Law" includes federal, state, and local statutes, ordinances and rules and regulations.
(R&R 91 §1(part), 5-14-93)

5.04.450 Menu.

"Menu" means a written or graphic description of foods prepared and offered for sale or service by a food service establishment.

(R&R 91 §1(part), 5-14-93)

5.04.460 Mislabeled.

"Mislabeled" means the presence of any false or misleading written, printed, or graphic material upon or accompanying food or food containers.

(R&R 91 §1(part), 5-14-93)

5.04.470 Mobile food service unit.

"Mobile food service unit" means an approved movable vehicle or cart that is operated from either a fixed location or on an established daily route; is supplied from, and cleaned, maintained and stored at, a commissary or base of operation; and from which food is prepared, served or provided for the public with or without charge. Such units shall be classified according to the following categories:

A. "Mobile food cart" means a cart limited to serving nonpotentially hazardous foods with no preparation except microwave warming for immediate service, hot dogs, espresso beverages, snow cones or limited non-potentially hazardous beverages.

B. "Restricted mobile food vehicle" means a vehicle limited to serving only prepackaged potentially hazardous foods requiring no further food preparation except microwave warming for immediate service.

C. "Unrestricted mobile food vehicle" means a vehicle preparing or serving food that is not prepackaged.

(R&R 91 §1(part), 5-14-93)

5.04.480 Modified atmosphere packaging.

"Modified atmosphere packaging" means a process that completely encases food in an impermeable or partially permeable membrane, with either a partial or complete vacuum; or a gas or mixture of gases surrounding the food. Hermetically sealed containers are not considered to be modified atmosphere packaging.

(R&R 91 §1(part), 5-14-93)

5.04.490 Owner.

"Owner" means a person owning and/or responsible for the operation of a food service establishment.

(R&R 91 §1(part), 5-14-93)

5.04.500 Packaged.

"Packaged" means bottled, canned, cartoned or securely wrapped.

(R&R 91 §1(part), 5-14-93)

5.04.510 Perishable food.

"Perishable food" means foods, other than potentially hazardous foods, where deterioration or spoilage due to loss of moisture or growth of molds and bacteria may occur.

(R&R 91 §1(part), 5-14-93)

5.04.520 Person.

"Person" means any individual, partnership, corporation, association or other legal entity.

(R&R 91 §1(part), 5-14-93)

5.04.530 Person in charge.

"Person in charge" means the individual present in a food service establishment and designated supervisor of the food service establishment at the time of inspection or any food service worker present when a designated supervisor is absent.

(R&R 91 §1(part), 5-14-93)

5.04.540 pH.

"pH" means a measure of the amount of acid in a food product.

(R&R 91 §1(part), 5-14-93)

5.04.550 Potentially hazardous food.

"Potentially hazardous food" means any natural or synthetic edible item, material or ingredient in a form supporting rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*. Potentially hazardous food:

- A. Includes any food of animal origin, raw, cooked, or processed;
- B. Includes certain cooked or prepared foods of plant origin, including but not limited to:
 - 1. Cooked potato products,

2. Dry legumes after cooking,
3. Cooked rice,
4. Sprouts, and
5. Cut melons.

C. Excludes foods:

1. With a water activity (A_w) value of 0.90 or less,
 2. With a pH level of 4.6 or below,
 3. Enclosed in unopened hermetically sealed containers commercially processed to achieve and maintain commercial sterility under nonrefrigerated storage and distribution conditions, and/or
 4. Where laboratory evidence acceptable to the health officer indicates no likelihood of rapid or progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*.
- (R&R 91 §1(part), 5-14-93)

5.04.560 Reconstituted.

"Reconstituted" means dehydrated food products recombined with water or other liquids.
(R&R 91 §1(part), 5-14-93)

5.04.570 Restaurant.

"Restaurant" means any stationary food service establishment providing seating or seating equivalents that gives, sells or offers for sale food to the public, guests, patrons or its personnel.
(R&R 91 §1(part), 5-14-93)

5.04.580 Restructured.

"Restructured" means potentially hazardous foods processed and formed so surface contaminants may become incorporated inside the final product.
(R&R 91 §1(part), 5-14-93)

5.04.590 Retail bakery.

"Retail bakery" means any food service establishment in which food and food products are mixed and baked to final form and offered to the ultimate consumer and intended for off-premises consumption. A retail bakery may provide for on-site consumption for up to twelve (12) persons if toilet facilities are provided for the patrons.
(R&R 91 §1(part), 5-14-93)

5.04.600 Sanitary design.

"Sanitary design" means smooth, nonabsorbent and easily cleanable.
(R&R 91 §1(part), 5-14-93)

5.04.610 Sanitized.

"Sanitized" means effective bactericidal treatment by a process providing enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on food contact surfaces.

(R&R 91 §1(part), 5-14-93)

5.04.620 School.

"School" means an institution for learning limited to the K-12 grades.
(R&R 91 §1(part), 5-14-93)

5.04.630 Sealed.

"Sealed" means free of cracks or other openings permitting entry or passage of moisture or air.
(R&R 91 §1(part), 5-14-93)

5.04.640 Seasonal food service establishment.

"Seasonal food service establishment" means a food service establishment that routinely operates for no more than six (6) consecutive months each year.
(R&R 91 §1(part), 5-14-93)

5.04.650 Self-service area.

"Self-service area" means any site within a food service establishment where customers dispense their own food or beverages.
(R&R 91 §1(part), 5-14-93)

5.04.660 Served.

"Served" means offered to a person for consumption.
(R&R 91 §1(part), 5-14-93)

5.04.670 Single-service articles.

"Single-service articles" means utensils designed, fabricated, and intended by the manufacturer for one time use.
(R&R 91 §1(part), 5-14-93)

5.04.680 Smoked.

"Smoked" means smoke is added as a flavoring or preservative during the cooking process.
(R&R 91 §1(part), 5-14-93)

5.04.690 Snack bar.

"Snack bar" means any stationary food service establishment from which prepackaged potentially hazardous foods requiring no further preparation and/or hot dogs are served or provided to the public and that provides no inside or outside seating or defined parking space for its patrons or customers.
(R&R 91 §1(part), 5-14-93)

5.04.700 Sulfiting agents.

"Sulfiting agents" means chemicals used to treat food to increase shelf life and enhance appearance including:

- A. Sulfur dioxide;
- B. Sodium sulfite;
- C. Sodium bisulfite;
- D. Potassium bisulfite;
- E. Sodium metabisulfite; and
- F. Potassium metabisulfite.

(R&R 91 §1(part), 5-14-93)

5.04.710 Tableware.

"Tableware" means all multi-use eating and drinking utensils, including flatware (knives, forks, spoons).

(R&R 91 §1(part), 5-14-93)

5.04.720 Tavern.

"Tavern" means any food service establishment issued a Type B, C, E or F license by the Washington State Liquor Control Board, or having an application for such type of license pending before such board. Food service is limited to commercially prepackaged potentially hazardous foods requiring no further food preparation and/or hot dogs.

(R&R 91 §1(part), 5-14-93)

5.04.730 Temporary food service establishment.

"Temporary food service establishment" means a food service establishment operating at a fixed location for not more than twenty-one (21) consecutive days in conjunction with a single event or celebration.

(R&R 91 §1(part), 5-14-93)

5.04.740 Time/temperature.

"Time/temperature" means the relationship between the length of time and the specific temperatures to which potentially hazardous foods are subjected during storage, transportation, preparation, cooking, reheating, dispensing, service or sale.

(R&R 91 §1(part), 5-14-93)

5.04.748 Unpasteurized juice.

"Unpasteurized juice" means fruit or vegetable juice that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, either through heat pasteurization or in another manner allowed under 21 CFR 101.17(g)(7). This includes any beverage containing juice where neither the juice ingredient nor the beverage has been processed in the above manner.

(R&R No. 00-07 §1, 5-19-00)

5.04.750 Utensil.

"Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling of food.
(R&R 91 §1(part), 5-14-93)

5.04.760 Water activity (A_w).

"Water activity (A_w)" means a measure of the amount of moisture available for bacterial growth in a food.
(R&R 91 §1(part), 5-14-93)

5.04.770 Wholesome.

"Wholesome" means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.
(R&R 91 §1(part), 5-14-93)

Chapter 5.06 FOOD SUPPLIES

5.06.010 Generally.

The food service establishment owner shall use or sell food supplies which are:

- A. From approved sources;
- B. In compliance with applicable federal, state and local laws, ordinances, and regulations;
- C. Clean, wholesome and free from spoilage and adulteration;
- D. Protected from becoming adulterated;
- E. Safe for human consumption; and
- F. If in hermetically sealed containers, processed in an approved commercial food processing establishment, when used.

(R&R 91 §1(part), 5-14-93)

5.06.020 Milk and milk products.

The food service establishment owner shall use or sell commercially pasteurized fluid milk, fluid milk products, dry milk and dry milk products which meet the Grade "A" quality standards contained in the most current version of the federal Pasteurized Milk Ordinance, except:

- A. Grade "A" raw milk as defined under RCW 15.36.012 may be sold in the original unopened container for off-premises consumption only;
- B. Unripened raw milk cheese and similar raw milk cultured products may be sold for off-premises consumption and may be used in food service establishments, only if the foods are subsequently cooked to a minimum temperature of one-hundred sixty-five degrees Fahrenheit (165° F.); and
- C. Properly fermented raw milk cheeses, produced using a flash heating process and

meeting cheese composition requirements described under Section 5.10.020(C), may be sold or used in food service establishments and are exempted from the cooking requirements of subsection B of this section.

(R&R No. 03-01 § 2, 1-24-2003; R&R No. 00-03 §2(part), 1-21-00; R&R No. 91 §1(part), 5-14-93)

5.06.030 Shellfish.

The food service establishment owner shall use or sell fresh and frozen shellfish (oysters, clams, mussels and scallops):

A. From sources approved by the DOH; or certified for interstate shipment in accordance with the National Shellfish Sanitation Program (NSSP); and

B. Which are identified by one of the following methods:

1. A tag or label containing name, address, state certification number, harvest date, and location attached to bags of unshucked shellfish;

2. A label containing name, address and state certification number attached to containers of shucked shellfish; or

3. State certification numbers and harvest location provided on invoices accompanying shellfish.

(R&R 91 §1(part), 5-14-93)

5.06.040 Eggs.

The food service establishment owner shall use or sell eggs meeting WSDA or USDA standards. The use or sale of ungraded eggs, unpasteurized liquid eggs, cracked or checked eggs is prohibited except:

A. As specified in Section 5.08.010(J); or

B. When otherwise approved by the health officer.

(R&R 91 §1(part), 5-14-93)

5.06.050 Meat and poultry products.

The food service establishment owner shall use or sell only USDA inspected meat, meat products, poultry and poultry products. Custom meat facilities defined in RCW 16.49.435 may process or handle uninspected meat for the household user. Custom meat facilities shall not use or sell uninspected meat to the public.

(R&R 91 §1(part), 5-14-93)

5.06.060 Game meat.

The food service establishment owner shall use or sell game meat:

A. Processed in a state agriculture inspected processing plant;

B. Processed in a processing plant with USDA voluntary inspection;

C. Imported from outside the USA from a country having an approved program of inspection authorized by USDA or FDA; or

D. Approved by the health officer for use in the following types of institutions:

1. Jails and correction facilities; and

2. Distributing organizations limited to food banks and soup kitchens specified under RCW 69.80.020.

Chapter 5.08

FOOD PROTECTION

5.08.010 Generally.

The food service establishment owner shall protect food from potential or actual sources of contamination or adulteration during transporting, storing, preparing, cooking, displaying and serving by the following methods:

A. Covering food or food storage containers with tightly fitting covers manufactured from approved materials such as metal, plastic, plastic wrap or aluminum foil, except:

1. During necessary preparation or cooling periods,
2. When serving food to the customers,
3. When displaying or storing fresh, raw, unprocessed whole fruits and vegetables,
4. When displaying or storing raw, whole aquatic foods,
5. During storage, quarters or sides of meat, and primal cuts may be placed on clean sanitized hooks or racks,
6. When covering bread products or lining containers for bread products with linens and/or napkins, and
7. When covering foods with moist clean cloths to retain moisture.

B. Preventing the storage of food under leaking refrigeration condensers, exposed or unprotected sewer, waste or drain lines, leaking water lines or water lines with accumulations of condensed water; except for unprotected fire protection sprinkler heads required by law;

C. Storing foods above the floor level to prevent contamination and permit easy cleaning, except:

1. Floor storage is permitted for foods stored in bulk if contained in impervious covered containers,
2. Floor storage is permitted when beverages are in pressurized beverage containers; or foods are protected by glass, durable plastic, cans or other waterproof containers, and
 - a. Floors beneath the foods are dry and easily cleanable, and
 - b. Foods can be easily moved to allow cleaning of the floor;

D. Preventing the storage of food, utensils or single-service articles in toilet rooms, toilet room vestibules or garbage rooms;

E. Labeling foods removed from original containers, unless identity of the food is unmistakable;

F. Providing protection from contamination through use of a sneeze guard, display case, packaging or other effective measures;

G. Minimizing hand contact with foods by:

1. Using appropriate utensils,
2. Providing tongs, bakery papers, scoops, spatulas, ladles and similar utensils for handling foods during display or service, and/or
3. Using single-service food service gloves when appropriate;

H. Preventing the storage of raw meats, poultry and aquatic foods above foods requiring no additional cooking or washing before service or in a manner increasing the probability of

cross-contamination;

I. Preventing the use of ice for human consumption following use for cold holding or after contamination; or

J. Preventing use of pooled eggs prepared from raw unpasteurized eggs, except:

1. If used for immediate service; or

2. If cooked to one-hundred forty degrees Fahrenheit (140° F.) or above within thirty (30) minutes of breaking;

K. Preventing egg breaking procedures where liquid eggs contact egg shells such as egg breaking machines;

L. By any other methods approved by the health officer.

(R&R 91 §1(part), 5-14-93)

5.08.020 Emergency occurrences.

In emergency situations when an imminent or actual health hazard exists, the food service establishment owner shall take appropriate action to prevent adulteration of foods, including the following:

A. Protecting foods from contamination;

B. Ensuring proper temperature controls;

C. Notifying the health officer; and/or

D. Destroying contaminated, adulterated or temperature abused foods.

(R&R 91 §1(part), 5-14-93)

5.08.030 Sulfiting agents.

The food service establishment owner shall:

A. Prohibit application of sulfiting agents in the food service establishment;

B. Prohibit the storage of sulfiting agents on the premises unless in packaged form, clearly labeled and offered for retail sale; and

C. Allow sulfiting agents only if contained within properly labeled commercially processed foods.

(R&R 91 §1(part), 5-14-93)

5.08.040 Mollusks.

When the food service establishment owner stores or displays mollusks in live holding systems, the owner shall protect the mollusks from contamination by:

A. Requiring an approved source for seawater placed in the system; or

B. Using a commercial mix for artificial seawater mixed with potable drinking water; and

C. Completely separating mollusks from crustaceans or fish; or

D. Using a gravity flow system that is:

1. Designed to prevent contaminated water from the crustaceans and fish from coming in contact with the mollusks,

2. Filtered to adequately remove particulate matter and ammonia; and

3. Disinfected with ultra-violet or the equivalent to produce coliform free water, and

E. Maintaining the live holding system to insure:

1. The mollusks are culled daily to remove dead or weakened animals,

2. The unit is maintained, clean and in good operation,

3. Defoamers, if used, are of food grade quality,
 4. Extra ultraviolet lights are replaced every nine to ten (9-10) months and spare bulbs are available on premises, and
 5. Backflow prevention devices are installed as required by the plumbing code.
- (R&R 91 §1(part), 5-14-93)

5.08.050 Game meat.

The food service establishment owner specified in Section 5.06.060(D) of this title shall establish control measures for the use of game meat. These control measures designed to prevent illness and approved by the health officer include:

- A. Designation of a person in charge who is responsible for:
 1. Insuring that game meat is approved for public consumption as specified in Section 5.06.060 of this title,
 2. Recordkeeping of all game meat received and used, including name of supplier/source,
 3. Insuring separation of raw game meat from all other foods,
 4. Adequate cooking of all game meat to one-hundred sixty-five degrees Fahrenheit (165° F.) or above, and
 5. Maintenance of temperature monitoring and control;
 - B. Compliance with all other parts of this title, unless specified otherwise;
 - C. Game meat may only be possessed, handled and processed by retail food stores:
 1. When approved by the health officer,
 2. For hunters who bring their game meat to the retail store with head, hide and hooves/feet removed and receive the same game meat back after the completion of processing,
 3. So contamination is avoided by separating raw game meat from all other foods,and
 4. When all processing of game meat occurs at a separate time than processing of all other meat or meat products.
- (R&R 91 §1(part), 5-14-93)

5.08.060 Cheese.

The food service establishment owner may sell or serve mold cultured cheeses. The sale or service of moldy cheese is prohibited unless the cheese is reconditioned by removing the mold in the following manner:

- A. If the cheese has been held under refrigeration, a one-half (1/2) inch layer is removed and the moldy portions are discarded;
 - B. If the cheese has been held at ambient temperatures, a one (1) inch layer is removed and the moldy portions are discarded; and
 - C. The cutting is performed so that mold contamination of the new surfaces is minimized.
 - D. When cheese has high moisture content such as brie, camembert, cream cheese, or cottage cheese or where mold filaments have deeply penetrated the surface, the entire cheese shall be discarded.
- (R&R 91 §1(part), 5-14-93)

Chapter 5.10

PUBLIC HEALTH LABELING

5.10.010 Generally.

A. The food service establishment owner shall label all food products offered for sale if enclosed in a package or container; except:

1. Food products produced on-site,
2. Nonpotentially hazardous bakery products from approved sources, or
3. Single-service portions or other packaged foods which are shipped to the food service establishment enclosed within a properly labeled master carton.

B. The food service establishment owner shall label modified atmosphere packaged foods in compliance with Chapter 5.14 of this title.

C. The food service establishment owner shall ensure labels include:

1. The common name of the food,
2. All ingredients, including food additives, in descending order of predominance,
3. The name, city, state and zip code of the manufacturer, and
4. A packaging date code, when required by law or when the food is potentially hazardous.

D. The food service establishment owner shall ensure information contained on labels is:

1. Accurate,
2. Easily readable, and
3. In the English language, except that duplicate labeling in foreign languages is allowed.

E. When labels, menus, or other printed or graphic materials are inaccurate or misleading and a report of illness or injury is associated with the food product, the health officer may:

1. Stop sale of the product until correctly labeled,
2. Require relabeling of the product, and
3. Issue public health advisories.

(R&R 91 §1(part), 5-14-93)

5.10.020 Raw milk and raw milk products.

Whenever raw milk or raw milk cheese or similar raw milk products are offered for sale in a food service establishment, the health officer shall:

A. Require conspicuous labeling of raw milk or products containing raw milk as "raw milk" or "contains raw milk";

B. Require conspicuous posting of signs near the product that state: "Warning: Raw milk or foods prepared from raw milk, such as unripened or fresh cheese, may be contaminated with dangerous bacteria capable of causing severe intestinal illnesses. Contact the Seattle-King County Department of Public Health for advice or to report a suspected illness";

C. Exempt properly fermented raw milk cheeses from the labeling requirements contained in this subsection, provided the cheeses are produced using a flash heating process and they meet the following cheese composition requirements:

1. Moisture content of forty (40) percent or less,
2. Saline-in-moisture content of 3.75% or greater,
3. Water activity (A_w) of 0.96 or less, and

4. pH of 5.40 or less.
(R&R 91 §1(part), 5-14-93)

5.10.030 Sulfiting agents.

The food service establishment owner shall label packaged or bulk foods containing sulfiting agents at detectable levels as follows:

- A. Accept accurate labels placed on packaged foods by the manufacturer;
- B. Place a label on prepackaged foods stating, "This food contains a sulfiting agent";
- C. Place a sign or label on the bulk food container or in a conspicuous place nearby stating, "The following food or foods contain a sulfiting agent, _____";
- D. Except these foods may be sold without labeling:
 1. Wine by the glass or carafe,
 2. Salad bars, and
 3. Delicatessens and similar take-out food facilities when food is prepared on-site.

(R&R 91 §1(part), 5-14-93)

5.10.040 Bulk foods.

A. The food service establishment owner shall provide prominent and conspicuous labels on bulk food display units with at least one of the following:

1. Manufacturer's or processor's container label plainly in view,
2. A card, sign or other appropriate device stating the common name of the food, or
3. A list of ingredients and any food additives contained in the product.

B. The food service establishment owner shall ensure accurate labels are present on bulk containers of chemicals and pet foods.

(R&R 91 §1(part), 5-14-93)

5.10.050 Raw or undercooked meats, eggs, aquatic foods or unpasteurized fruit or vegetable juices.

When raw or undercooked meats, eggs, aquatic foods or unpasteurized fruit or vegetable juices are offered for immediate service or for sale as ready-to-eat, the food service establishment owner shall identify these foods as such:

- A. On the menu;
- B. On the label; or
- C. On a sign clearly visible to the patrons.

(R&R No. 00-07 §2, 5-19-00: R&R 91 §1(part), 5-14-93)

5.10.060 Alternative wording.

The health officer may approve alternate wording on signs required in Sections 5.10.020 and 5.10.030 of this chapter.

(R&R 91 §1(part), 5-14-93)

5.10.070 Alcoholic beverages.

Whenever alcoholic beverages, as defined by RCW Chapter 66.04, are served for consumption on the premises, signs and notices of the effects of alcohol consumption and

cigarette smoking during pregnancy shall be posted. Such signs or notices shall meet the following requirements:

A. Shall read as follows:

**DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS AND
OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING
PREGNANCY MAY CAUSE BIRTH DEFECTS;** and

B. Shall be of the following size:

1. At least two (2) inches high if printed or included in a menu,
 2. At least three (3) inches by three (3) inches per side if set forth on a single, double, or multi-sided placard or display tent on any table provided for the establishment's customers, or
 3. Not less than eight and one-half (8.5) inches by eleven (11) inches included on a sign that is posted at a bar or other point of sale that is clearly visible to the public.
- (R&R 91 §1(part), 5-14-93)

Chapter 5.12 FOOD PREPARATION

5.12.010 Generally.

The food service establishment owner shall:

A. Maintain the internal temperature of potentially hazardous food at forty-five degrees Fahrenheit (45° F.) or below, or one-hundred forty degrees Fahrenheit (140° F.) or above, at all times except as provided in this title;

B. Limit the time potentially hazardous foods remain out of proper temperature controls during active preparation to a total time of two (2) hours;

C. Store in-use serving utensils:

1. In the food product, only if the handle remains out of the food item,
2. In a running water dipper well,
3. In water above one-hundred forty degrees Fahrenheit (140° F.), or below forty-five degrees Fahrenheit (45° F.),
4. For ice making machines, either on a clean dry surface or in an approved utensil holder, or
5. By other approved methods,
6. Except that in-use serving utensils for non-potentially hazardous foods may be stored on a clean surface;

D. Discard any leftover foods already served to a customer; except that packaged, nonpotentially hazardous foods which are still packaged in a sound and sanitary condition, may be re-served. Properly dispensed, nonpotentially hazardous foods such as those dispensed by using squeeze dispensers, covered containers with proper serving utensils, or shaker dispensers, may be re-served;

E. Ensure all fruits and vegetables which are not peeled and are served raw are thoroughly washed with potable water before serving;

F. Prepare potentially hazardous salads and sandwich spreads in amounts greater than two cups using cold ingredients prechilled to forty-five degrees Fahrenheit (45° F.) or below;

G. Ensure potentially hazardous foods transported or stored in ice are prechilled to

forty-five degrees Fahrenheit (45° F.) or below.
(R&R 91 §1(part), 5-14-93)

5.12.020 Preparation, display, service and transport.

The food service establishment owner shall prepare, display, serve and transport food:

- A. Only with safe and necessary time-temperature steps;
- B. With a minimum amount of hand contact;
- C. With suitable utensils;
- D. On clean, sanitized surfaces:
 - 1. Washed, rinsed and sanitized as required under this title prior to use, and
 - 2. Washed, rinsed and sanitized to prevent cross-contamination.

(R&R 91 §1(part), 5-14-93)

5.12.030 Additional requirements.

The health officer may require a food service establishment owner to limit or modify food preparation and may delete some menu items when the available equipment and/or facilities are inadequate to prepare the food in a safe and sanitary manner including but not limited to:

- A. Rapid cooling or reheating;
- B. Proper cooking, hot holding, cold holding, or processing potentially hazardous foods;
- C. Adequate sanitizing of equipment and tableware; and
- D. Properly preparing produce.

(R&R 91 §1(part), 5-14-93)

Chapter 5.14 MODIFIED ATMOSPHERE PACKAGING

5.14.010 Foods allowed.

Modified atmosphere packaging of foods in food service establishments is permitted by the health officer for the following:

- A. Nonpotentially hazardous foods;
- B. Raw meat;
- C. Natural hard or semi-soft cheeses containing live starter culture organisms; and
- D. Foods which are rapidly frozen and are stored frozen until reheated or thawed for immediate service. Foods frozen under this subsection shall meet all of the following continuous cooling and freezing requirements:
 - 1. Cooling foods from one-hundred forty degrees Fahrenheit (140° F.) to seventy degrees Fahrenheit (70° F.) or below within two (2) hours,
 - 2. Cooling foods from one-hundred forty degrees Fahrenheit (140° F.) to forty-five degrees Fahrenheit (45° F.) or below within four (4) hours,
 - 3. Cooling foods to below thirty-eight degrees Fahrenheit (38° F.) within twelve (12) hours, and
 - 4. Freezing foods completely to below ten degrees Fahrenheit (10° F.) within twenty-four (24) hours.

(R&R 91 §1(part), 5-14-93)

5.14.020 Additional foods.

The food service establishment owner shall not perform modified atmosphere packaging on the premises for any foods unless allowed under Section 5.14.010 of this title; except the health officer may approve additional foods to be modified atmosphere packaged only if an approved HACCP based procedure which controls the growth of bacterial pathogens is in place. Acceptable controls include:

- A. Maintaining water activity below 0.93;
 - B. Maintaining pH below 4.6;
 - C. Using processed meats or meat products, poultry or poultry products produced in a plant regulated by USDA and received in an intact package before modified atmosphere packaging;
 - D. Properly curing the food on site using a standard recipe approved by the health officer with an initial sodium nitrite concentration of one-hundred twenty (120) ppm and 3.5% salt concentration; or
 - E. Properly processing uncured meats or poultry on-site by monitoring critical control points established in the HACCP plan specified in Section 5.14.030(E) of this chapter.
- (R&R 91 §1(part), 5-14-93)

5.14.030 Additional requirements.

Whenever foods are modified atmosphere packaged under Section 5.14.020 of this chapter, the health officer shall require all of the following:

- A. Store the food at thirty-eight degrees Fahrenheit (38° F.) or below;
- B. Sell the food within fourteen (14) days of packaging;
- C. Prohibit exceeding the original processor's shelf life, if applicable;
- D. Establish critical control points during processing, packaging and storage;
- E. Submit a HACCP plan for each food to the health officer for review and approval prior to any modified atmosphere packaging;
- F. Confirm water activity, pH or nitrite and brine concentrations in a certified lab;
- G. Monitor critical control points by any or all of the following:
 - 1. Routine laboratory testing,
 - 2. Measuring refrigerated storage temperatures,
 - 3. Measuring temperatures during smoking or cooking processes,
 - 4. Providing other information requested by the health officer;
- H. Maintain accurate records of critical control point monitoring specified in Section 5.14.030(D) of this section, for examination by the health officer; and
- I. Attach the following labels:
 - 1. "Keep refrigerated at thirty-eight degrees Fahrenheit (38° F.) or below and use within seven (7) days of purchase, unless frozen," and
 - 2. "Sell by month/day/year" with the date established within fourteen (14) days of packaging.

(R&R 91 §1(part), 5-14-93)

5.14.040 Prohibited foods.

Modified atmosphere packaging of aquatic foods, including fish, is prohibited by the health officer except under Sections 5.14.010(D) or 5.14.020(A, B, D) of this chapter.
(R&R 91 §1(part), 5-14-93)

5.14.050 Person in charge.

The food service establishment owner shall designate a person in charge of all modified atmosphere packaging operations to be responsible for control measures contained in Sections 5.14.030 and 5.14.070 of this chapter.
(R&R 91 §1(part), 5-14-93)

5.14.060 Labeling exemptions.

Modified atmosphere packaged foods packaged in USDA or FDA regulated plants and maintained in intact packages are exempted by the health officer from meeting labeling requirements contained in Section 5.14.030(I) of this chapter.
(R&R 91 §1(part), 5-14-93)

5.14.070 Expiration requirements.

The food service establishment owner shall destroy modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging (contained in Section 5.14.030(B) of this chapter), except until that date modified atmosphere packaged foods may be:

A. Frozen; or

B. Removed from the packaging and used in the food service establishment.

(R&R 91 §1(part), 5-14-93)

Chapter 5.16

TEMPERATURE CONTROL

5.16.010 Thermometers.

The food service establishment owner shall:

A. Provide metal, stem-type, numerically scaled food thermometers accurate to within two degrees Fahrenheit (2° F.) in the appropriate range for the foods being tested;

B. Ensure thermometers are checked for accuracy;

C. Be allowed to use digital thermometers or thermocouples to measure temperatures as long as they are accurate to within two degrees Fahrenheit (2° F.) and are capable of measuring all food temperatures;

D. Equip each refrigeration unit with a numerically scaled thermometer accurate to within three degrees Fahrenheit (3° F.) located:

1. To be easily readable, and

2. In the warmest part of the unit;

E. Ensure food service workers use thermometers to measure food temperatures to attain and maintain safety for potentially hazardous foods during:

1. Cooking,

2. Reheating,
3. Hot holding,
4. Cooling, and
5. Cold holding.

(R&R 91 §1(part), 5-14-93)

5.16.020 Thawing.

The food service establishment owner shall ensure that all potentially hazardous foods are thawed:

- A. In refrigeration units at a temperature of forty-five degrees Fahrenheit (45° F.) or less;
- B. Under potable running water of a temperature of seventy degrees Fahrenheit (70° F.) or less with sufficient water velocity to agitate and float loose food particles into the overflow; or
- C. In an approved cooking unit as part of a continuous cooking process, only when the food depths or thickness for solid foods is less than four (4) inches.

(R&R 91 §1(part), 5-14-93)

5.16.030 Cooking.

The food service establishment owner shall ensure that all parts of potentially hazardous foods requiring cooking are cooked to the following minimum internal temperatures:

- A. One-hundred sixty-five degrees Fahrenheit (165° F.) or above for:
 1. Poultry or any food containing poultry,
 2. Stuffed meats or stuffing containing meats, and
 3. Casseroles containing potentially hazardous foods;
- B. One-hundred fifty-five degrees Fahrenheit (155° F.) or above for ground, fabricated, or restructured meats; except that ground beef may be cooked to lower temperatures if specifically ordered by the immediate consumer;
- C. One-hundred fifty degrees Fahrenheit (150° F.) or above for pork or any food containing pork;
- D. One-hundred thirty degrees Fahrenheit (130° F.) or above for:
 1. Rare roast beef, and
 2. Rare beef steak, except that beef steak may be cooked to a lower temperature if specifically ordered by the immediate consumer;
- E. One-hundred forty degrees Fahrenheit (140° F.) or above for eggs and foods containing uncooked eggs, unless specifically ordered by the immediate consumer otherwise, except:
 1. Health care facilities such as nursing homes and hospitals shall only use pasteurized eggs or eggs cooked to one-hundred forty degrees Fahrenheit (140° F.) or above unless a physician's statement allows otherwise, and
 2. Traditionally uncooked or undercooked eggs when used to prepare foods such as eggs benedict, caesar salad, meringue or hollandaise sauce shall be:
 - a. Prepared for immediate service to the customer,
 - b. Rapidly cooled and held at forty-five degrees Fahrenheit (45° F.) or less; or
 - c. Held hot at one-hundred forty degrees Fahrenheit (140° F.) or above;
- F. One-hundred forty degrees Fahrenheit (140° F.) or above for all other potentially hazardous foods except as specified under Sections 5.16.030(A) through 5.16.030(E) of this chapter;

G. Except that potentially hazardous foods that have been partially cooked or blanched shall be cooled rapidly using procedures contained in Section 5.16.070 of this chapter and reheated before service as described in Section 5.16.090 of this chapter.
(R&R 91 §1(part), 5-14-93)

5.16.040 Overnight cooking.

The food service establishment owner shall not cook potentially hazardous food overnight without temperature monitoring.
(R&R 91 §1(part), 5-14-93)

5.16.050 Hot holding.

The food service establishment owner shall ensure potentially hazardous foods, after initial cooking or reheating, are held hot at or above the following temperatures:

- A. One-hundred thirty degrees Fahrenheit (130° F.) for unsliced rare roast beef; or
- B. One-hundred forty degrees Fahrenheit (140° F.) for all other potentially hazardous foods.

(R&R 91 §1(part), 5-14-93)

5.16.060 Overnight hot holding.

The food service establishment owner shall not hot hold potentially hazardous foods overnight without temperature monitoring.
(R&R 91 §1(part), 5-14-93)

5.16.070 Cooling.

When potentially hazardous foods require cooling or cold holding after preparation, rapid methods of cooling from one-hundred forty degrees Fahrenheit (140° F.) to forty-five degrees Fahrenheit (45° F.) shall be used. The food service establishment owner shall use methods including:

- A. Reducing solid food, such as whole turkeys and beef roasts, to pieces weighing four (4) pounds or less, and:
 - 1. Placing immediately in a refrigerator or in a freezer, and
 - 2. Leaving uncovered until cooled to forty-five degrees Fahrenheit (45° F.) or below, while protecting the food from cross-contamination;
- B. Reducing very viscous or solid foods, such as refried beans, chowders, casseroles, ribs, and gravies to a thickness of two (2) inches or less, and:
 - 1. Placing immediately in a refrigerator or freezer, and
 - 2. Leaving uncovered until cooled to forty-five degrees Fahrenheit (45° F.) or below, while protecting the food from cross-contamination;
- C. Reducing foods not listed in Sections 5.16.070(A, B) of this chapter to a thickness of four (4) inches or less, and:
 - 1. Placing immediately in a refrigerator or freezer, and
 - 2. Leaving uncovered until cooled to forty-five degrees Fahrenheit (45° F.) or below, while protecting the food from cross-contamination;
- D. Placing liquid foods deeper than four (4) inches into an ice and water bath provided:
 - 1. The container is immersed to the depth of the food,

2. Ice is replaced as it melts,
3. The food is frequently stirred,
4. A metal stem thermometer is used, and
5. The food is refrigerated or frozen once cooled to forty-five degrees Fahrenheit (45° F.);

E. Using other methods for rapid cooling approved by the health officer, provided the food is cooled from one-hundred forty degrees Fahrenheit (140° F.) to forty-five degrees Fahrenheit (45° F.) or below within four (4) hours.
(R&R 91 §1(part), 5-14-93)

5.16.080 Cold holding.

The food service establishment owner shall ensure potentially hazardous foods requiring cold holding are kept at forty-five degrees Fahrenheit (45° F.) or below by:

- A. Using mechanical refrigeration;
- B. Using effectively insulated facilities or equipment;
- C. Storing in ice provided:
 1. The food is prechilled to forty-five degrees Fahrenheit (45° F.) or below,
 2. The container is placed in ice to the height of the food,
 3. Ice is replaced as it melts, and
 4. Melt water is frequently drained;
- D. Using refreezable ice or similar products with prior approval by the health officer;
- E. Except that any modified atmosphere processed food prepared on-site and any commercially prepared modified atmosphere processed foods labelled at thirty-eight degrees Fahrenheit (38° F.) or below shall be cold held at thirty-eight degrees Fahrenheit (38° F.) or below.
(R&R 91 §1(part), 5-14-93)

5.16.090 Reheating.

- A. The food service establishment owner shall ensure potentially hazardous foods previously cooked and cooled are rapidly reheated from forty-five degrees Fahrenheit (45° F.):
 1. With no interruption in the reheating process,
 2. In one (1) hour or less,
 3. To the following minimum temperatures:
 - a. One-hundred sixty-five degrees Fahrenheit (165° F.) for foods prepared in any food service establishment, or
 - b. One-hundred forty degrees Fahrenheit (140° F.) for foods prepared in any food processing establishment under jurisdiction of WSDA or USDA or FDA only for initial reheating;
 4. In equipment designed to meet the performance standards provided in this subsection; and
 5. With frequent stirring for liquid or semi-solid potentially hazardous foods.
- B. The food service establishment owner may reheat completely cooked potentially hazardous foods with no minimum reheating temperature only if they are:
 1. Traditionally served either hot or cold, and
 2. Reheated to order in individual portions when ordered by the consumer.

(R&R 91 §1(part), 5-14-93)

Chapter 5.18

PERSONAL HYGIENE

5.18.010 Generally.

The food service establishment owner shall ensure that food service workers:

- A. Wear clean outer garments;
- B. Maintain a high degree of personal cleanliness; and
- C. Restrain hair as necessary.

(R&R 91 §1(part), 5-14-93)

5.18.020 Handwashing.

The food service establishment owner shall ensure that food service workers shall wash their hands, including fingernails, in an approved handwashing facility by applying soap, using warm water, scrubbing thoroughly, rinsing and then drying, using methods which prevent recontamination:

- A. Before starting work; and
- B. During work, as often as necessary to prevent contamination of foods:
 - 1. After using the toilet,
 - 2. After handling raw meat, poultry or aquatic foods,
 - 3. After handling unclean items,
 - 4. After eating or smoking, and
 - 5. Before preparing ready-to-eat foods.

(R&R 91 §1(part), 5-14-93)

5.18.030 Hand rinses.

The food service establishment owner shall ensure bactericidal and viricidal hand rinses are used only in addition to approved handwashing methods.

(R&R 91 §1(part), 5-14-93)

5.18.040 Eating and tobacco use.

The food service establishment owner shall ensure eating or use of tobacco in any form by food service workers is permitted only in designated areas approved by the health officer.

(R&R 91 §1(part), 5-14-93)

5.18.050 Personal belongings.

The food service establishment owner shall provide adequate facilities for the orderly storage of food service workers' clothing and personal belongings.

(R&R 91 §1(part), 5-14-93)

5.18.060 Food and beverage service workers permits.

- A. The service establishment owner shall ensure all food service workers:

1. Comply with the provisions of RCW Chapter 69.06 and Chapter 246-217 WAC,
 2. Obtain valid food and beverage service worker permits within fourteen (14) calendar days of employment, and
 3. Maintain current food and beverage service worker permits.
- B. The food service establishment owner must display or file the food and beverage service workers permits, or copies thereof, where they are available for inspection by the health officer upon request.
- (R&R No. 00-07 §3, 5-19-00: R&R 91 §1(part), 5-14-93)

Chapter 5.20

SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS

5.20.010 Generally.

The food service establishment owner shall use equipment and utensils designed and of such materials and workmanship to be:

- A. Smooth;
- B. Easily cleanable;
- C. Durable;
- D. In good repair; and
- E. In conformance with the current standards and listings of the National Sanitation

Foundation or approved equivalent.

(R&R 91 §1(part), 5-14-93)

5.20.020 Food contact surfaces.

The food service establishment owner shall ensure food contact surfaces of equipment and utensils are:

- A. Made of food grade material;
- B. Smooth;
- C. Easily accessible for cleaning;
- D. Nontoxic;
- E. Corrosion resistant; and
- F. Nonabsorbent.

(R&R 91 §1(part), 5-14-93)

5.20.030 Single-service articles.

When single-service articles are used, the food service establishment owner shall ensure they are:

- A. Made from clean, sanitary and safe materials; and
- B. Prohibited from reuse.

(R&R 91 §1(part), 5-14-93)

5.20.040 Installation.

The food service establishment owner shall install and maintain equipment to:

- A. Facilitate cleaning of equipment and adjacent areas; and
- B. Avoid placement under:
 - 1. Exposed or unprotected sewer lines,
 - 2. Open stairwells,
 - 3. Unprotected insulation, and
 - 4. Other sources of contamination.

(R&R 91 §1(part), 5-14-93)

5.20.050 Facilities for cleaning and sanitizing.

A. The owner shall ensure that the food service establishment using equipment or utensils requiring cleaning and sanitizing have within the establishment either:

- 1. Approved mechanical dishwashing facilities and a sink or equivalent in the dishwashing area, or
- 2. A sink supplied with a minimum of three compartments, a space for soiled utensils ahead of the first compartment, and a drain board for clean utensils when no mechanical dishwasher is available, or when utensils cannot be cleaned and sanitized in the mechanical dishwasher due to size or configuration.

B. The food service establishment owner shall provide sink compartments of sufficient size to accommodate the largest utensil.

C. The food service establishment owner shall provide hot and cold running water directly to each compartment of the sinks.

D. The food service establishment owner of bars and taverns shall provide a sink compartment for disposing of liquid waste in addition to sinks necessary for cleaning and sanitizing.

(R&R 91 §1(part), 5-14-93)

5.20.060 Food preparation sinks.

A. The food service establishment owner shall provide sufficient food preparation sinks in which foods may be:

- 1. Washed, soaked, rinsed or drained,
- 2. Cooled or thawed, or
- 3. Processed in a manner requiring placement in a sink.

B. The food service establishment owner shall prohibit use of food preparation sinks for:

- 1. Handwashing,
- 2. Utensil washing, and
- 3. Other activities which may contaminate foods.

(R&R 91 §1(part), 5-14-93)

5.20.070 Mop sinks.

The food service establishment owner shall provide a mop sink or equivalent fixture with hot and cold running water capable of supplying and disposing of water for cleaning floors, walls and other nonfood contact surfaces.

(R&R 91 §1(part), 5-14-93)

5.20.080 Exemptions.

The health officer may exempt food service establishment owners from Sections 5.20.060 and 5.20.070 of this chapter when:

- A. A plan review was approved prior to the effective date of this title;
- B. The food service establishment was constructed prior to the effective date of this title;

or

C. The menu, method of food preparation and/or volume of food preparation present no health hazard.

(R&R 91 §1(part), 5-14-93)

Chapter 5.22

EQUIPMENT AND UTENSIL CLEANING AND SANITIZING

5.22.010 Frequency.

A. The food service establishment owner shall ensure that the following articles shall be thoroughly washed, rinsed and sanitized in the food service establishment by a food service worker after each use:

- 1. Utensils, and
- 2. Food contact surfaces of equipment, except cooking surfaces.

B. All utensils and food contact surfaces of equipment used in preparation, service, display or storage of potentially hazardous food shall be sanitized by a food service worker:

- 1. Following any interruption of operations during which contamination of the food contact surfaces may have occurred, and
- 2. Whenever contamination has occurred.

C. When equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, the food service establishment owner shall ensure utensils and the food contact surfaces of equipment are washed, rinsed and sanitized. The health officer, based on food temperatures, type of food and amount of particle accumulation may specify the minimum time interval between cleaning operations.

(R&R 91 §1(part), 5-14-93)

5.22.020 Methods.

The food service establishment owner shall ensure cleaning and sanitizing of food contact surfaces of equipment and utensils are accomplished by first prescraping or prerinsing and then by either of the following methods:

A. Manual dishwashing in proper sequence:

- 1. Washing in a clean, hot detergent solution,
- 2. Rinsing in clean, warm water,
- 3. Sanitizing by immersion for at least one (1) minute in:

a. A chemical sanitizing solution at proper concentration as described in the Code of Federal Regulations 21.178, or

b. A mechanically heated sink at a temperature of at least one-hundred seventy degrees Fahrenheit (170° F.), and

4. Air drying; or

B. Mechanical dishwashing which washes and then sanitizes by:

1. A high temperature final rinse with a minimum of one-hundred eighty degrees Fahrenheit (180° F.) measured by the gauge,

2. A high temperature final rinse with a minimum of one-hundred sixty degrees Fahrenheit (160° F.) measured at the surface of the utensil,

3. An approved concentration of chemical sanitizer as described in the Code of Federal Regulations 21.178 which is automatically dispensed, or

4. A method approved by the health officer consistent with the intent of the regulations.

(R&R 91 §1(part), 5-14-93)

5.20.030 Storage after cleaning and sanitizing.

The food service establishment owner shall ensure cleaned and sanitized equipment, utensils and single-service articles are stored to:

A. Protect from all sources of contamination; and

B. Minimize unnecessary handling.

(R&R 91 §1(part), 5-14-93)

5.22.040 Wiping cloths.

The food service establishment owner shall ensure wiping cloths used for cleaning up food spills or wiping work surfaces, table surfaces, high chairs, equipment, utensils or foodworkers' hands are:

A. Kept in a clean, sanitary condition at all times;

B. Moistened with an approved sanitizing solution at all times when in use; and

C. Stored in a proper concentration of sanitizing solution between uses.

(R&R 91 §1(part), 5-14-93)

5.22.050 Monitoring.

The food service establishment owner shall be responsible for monitoring sanitizing operations by:

A. Checking temperature gauges;

B. Measuring chemical concentrations with appropriate methods; or

C. Using premeasured sanitizing packages or tablets, following label directions.

(R&R 91 §1(part), 5-14-93)

5.22.060 Additional requirements.

The food service establishment owner shall ensure:

A. Wiping cloths used for removing food spills from tableware such as plates or bowls, are clean, dry and used for no other purposes;

B. Cooking surfaces of equipment are cleaned at least once daily; and

C. Nonfood contact surfaces of equipment are cleaned at such intervals to keep them clean and in a sanitary condition.

(R&R 91 §1(part), 5-14-93)

Chapter 5.24

POISONOUS OR TOXIC MATERIALS

5.24.010 When allowed.

The food service establishment owner shall allow poisonous or toxic materials on the premises only under the following conditions:

A. When necessary and intended for the operation and maintenance of the food service establishment;

B. When used to prevent or control pests;

C. When used to clean and sanitize equipment, utensils and work surfaces; or

D. When offered for sale in a retail food store, grocery or similar food service establishment, provided these materials are separated from food and single-service articles by:

1. Spacing,

2. Partitioning,

3. Dividers, or

4. Storage below food or single-service articles; or

E. When used in the least amount necessary to effectively do the job for which it is intended.

(R&R 91 §1(part), 5-14-93)

5.24.020 Labeling.

The food service establishment owner shall ensure commercially filled containers of poisonous or toxic materials are labeled in accordance with Environmental Protection Agency regulations. Small containers may be filled or taken from a properly labeled container only when identified with the common name of the material.

(R&R 91 §1(part), 5-14-93)

5.24.030 Storage and use.

The food service establishment owner shall ensure poisonous or toxic materials are stored and used:

A. In accordance with the manufacturer's label requirements;

B. In a manner preventing adulteration of food and contamination of food contact surfaces, utensils and single-service articles; and

C. So food service workers and other persons are protected from potential health and safety hazards.

(R&R 91 §1(part), 5-14-93)

5.24.040 Lubricants.

The food service establishment owner shall ensure lubricants used on food contact surfaces of equipment are nontoxic.

(R&R 91 §1(part), 5-14-93)

Chapter 5.26

SANITARY FACILITIES AND CONTROLS

5.26.010 Water and ice source.

The food service establishment owner shall ensure:

- A. Their water source is:
 - 1. Adequate in quantity and quality;
 - 2. Supplied directly from a source approved under WAC 246-290 (formerly WAC 248-54) through permanent piping and plumbing fixtures;
 - 3. Provided under pressure at the required temperatures to all fixtures and equipment that use water; and
 - 4. Monitored according to standards established by the health officer.
 - B. Bottled water is from an approved source; and
 - C. Ice used for any purpose is:
 - 1. Made from an approved water source; and
 - 2. Manufactured, stored, transported and handled in a sanitary manner.
- (R&R 91 §1(part), 5-14-93)

5.26.020 Liquid waste disposal.

The food service establishment owner shall dispose of all liquid waste including gray water, mop water and ice melt directly into a public sewer system.
(R&R 91 §1(part), 5-14-93)

5.26.030 Plumbing.

The food service establishment owner shall ensure plumbing is:

- A. Sized, installed and maintained in accordance with applicable state and local plumbing codes;
- B. Free of cross connections between potable water supplies and:
 - 1. Nonpotable or questionable sources of water, or
 - 2. Chemical feed lines or similar devices;
- C. Indirectly drained from ice machines, food preparation sinks, beverage ice sinks, salad bars, dipper wells and mechanical dishwashers, into:
 - 1. A floor sink,
 - 2. Hub drain, or
 - 3. A similar device.

(R&R 91 §1(part), 5-14-93)

5.26.040 Carbonated beverage dispensing machines.

The food service establishment owner shall install a backflow prevention device approved by the applicable plumbing authority and installed in accordance with the applicable state and local plumbing code.

(R&R No. 00-03 §3, 1-21-2000: R&R 91 §1(part), 5-14-93)

5.26.050 Toilets for food workers.

The food service establishment owner shall ensure toilet facilities for food workers are:

- A. Provided for each sex whenever four (4) persons not of the same sex are employed;
- B. Conveniently located within the food service establishment;
- C. Conveniently located within two-hundred (200) feet within the same building when four (4) or fewer persons are employed;
- D. No more than one (1) flight of stairs from the work area;
- E. Accessible without going outdoors; and
- F. Available whenever the establishment is in operation.

(R&R 91 §1(part), 5-14-93)

5.26.060 Toilets for patrons.

The food service establishment owner shall ensure toilet facilities for patrons:

- A. Are provided within or convenient to, the food service establishment when:
 - 1. Provision for on-premises consumption of food or drink is provided, and
 - 2. The food service establishment was constructed or extensively remodeled after December 31, 1970;
- B. Include a minimum of one (1) toilet and one (1) handwashing facility for each sex and at least one (1) urinal for males. Minimum number of toilet fixtures in food service establishments must conform to Appendix C of the Seattle-King County Plumbing Code; and
- C. Are available when the establishment is in operation within two-hundred (200) feet of the establishment in the same building without going outdoors and no more than one (1) flight of stairs from the dining area of the establishment.

(R&R 91 §1(part), 5-14-93)

5.26.070 Toilets for establishments with twelve (12) seats or less.

The food service establishment owner may, in establishments with twelve (12) seats or less and employing four (4) or fewer people, provide a single toilet facility for the employees and patrons provided that the patrons' access to the restroom does not interfere with any part of the food service operation.

(R&R 91 §1(part), 5-14-93)

5.26.080 Toilets for driven establishments.

The owner of a drive-in type establishment which does not have inside seating, but has more than six (6) parking stalls, shall provide patrons with toilet facilities for each sex.

(R&R 91 §1(part), 5-14-93)

5.26.090 Joint usage.

Toilet facilities may be used jointly by patrons and food service workers, provided patrons accessing the facility are excluded from food preparation and storage areas.

(R&R 91 §1(part), 5-14-93)

5.26.100 Toilet facility requirements.

The food service establishment owner shall ensure all toilet facilities are:

- A. Of sanitary design;
- B. Kept clean;
- C. Kept in good repair;
- D. Provided with toilet paper; and
- E. Provided with easily cleanable waste storage receptacles.

(R&R 91 §1(part), 5-14-93)

5.26.110 Hand sinks for food workers.

The food service establishment owner shall ensure hand sinks are:

- A. Accessible to food workers at all times;
- B. Located to permit convenient use by all food workers in food preparation, food service and utensil washing areas and in or immediately adjacent to, toilet facilities; and
- C. Used exclusively for hand washing.

(R&R 91 §1(part), 5-14-93)

5.26.120 Hand sink requirements.

The food service establishment owner shall be responsible for maintenance of hand sinks designated for use by food service workers and patrons and ensure each hand sink is:

- A. Provided with hot and cold running water provided through a mixing faucet;
- B. Provided with hand soap;
- C. Provided with single use towels or other hand drying devices approved by the health officer; and
- D. Kept clean and in good repair.

(R&R 91 §1(part), 5-14-93)

5.26.130 Hand sink hot water temperature.

The food service establishment owner shall ensure hot water at all handsinks to be a minimum of one-hundred degrees Fahrenheit (100° F.) and a maximum of one-hundred twenty degrees Fahrenheit (120° F.) or the maximum required by the State Energy code, as applicable.

(R&R 91 §1(part), 5-14-93)

5.26.140 Automatic faucets.

The food service establishment owner shall ensure hand operated automatic faucets have a minimum cycle of fifteen (15) seconds.

(R&R 91 §1(part), 5-14-93)

Chapter 5.28

GARBAGE, RUBBISH AND LITTER

5.28.010 Generally.

The food service establishment owner shall properly store and dispose all garbage, rubbish and litter in and around a food service establishment. Storage prior to disposal shall be in containers that are:

- A. Durable;
- B. Easily cleanable;
- C. Insect and rodent proof;
- D. Nonabsorbent;
- E. In sound condition;
- F. Watertight; and
- G. Kept covered with tight fitting lids except when stored in a closed, pest-proof room or enclosure.

(R&R 91 §1(part), 5-14-93)

5.28.020 Liquid wastes.

The food service establishment owner shall dispose liquid wastes as waste water when collected from:

- A. Leaking garbage containers;
- B. Garbage compacting operations; or
- C. Cleaning operations.

(R&R 91 §1(part), 5-14-93)

5.28.030 Rubbish storage.

The food service establishment owner shall store all other rubbish in containers or other areas in a manner approved by the health officer.

(R&R 91 §1(part), 5-14-93)

5.28.040 Garbage storage.

The food service establishment owner shall use rooms, enclosures, areas and containers adequate in size and number for garbage storage.

(R&R 91 §1(part), 5-14-93)

5.28.050 Overflow and nuisance prevention.

The food service establishment owner shall prevent overflows and nuisances caused by garbage, rubbish and litter by:

- A. Ensuring frequent disposal;
- B. Providing adequate cleaning facilities; and
- C. Ensuring that containers, rooms and areas are cleaned as needed.

(R&R 91 §1(part), 5-14-93)

5.28.060 Methods to reduce waste.

The food service establishment owner may, with the approval of the health officer, use alternate methods to reduce waste including but not limited to:

- A. Recycling;
 - B. Composting;
 - C. Using worm bins;
 - D. Using single-service articles made of recycled materials;
 - E. Using reusable utensils; and
 - F. Using refillable containers.
- (R&R 91 §1(part), 5-14-93)

Chapter 5.30

PESTS AND PEST CONTROL

5.30.010 Generally.

The food service establishment owner shall:

- A. Take effective measures to minimize:
 - 1. Entry of pests such as rodents and insects, and
 - 2. Presence of pests.
- B. Ensure the premises are kept in such condition to prevent:
 - 1. Harborage of pests, and
 - 2. Feeding of pests.

(R&R 91 §1(part), 5-14-93)

5.30.020 Pesticides.

The food service establishment owner shall:

- A. Ensure only pesticides labeled for use in food service areas are stored on the premises or used to eliminate or control pests.
- B. Ensure pesticides are stored:
 - 1. In cabinets,
 - 2. In a physically separate place used for no other purpose, and/or
 - 3. Below or separate from food, food equipment, utensils or single-service articles;
- C. Ensure that pesticides are applied:
 - 1. In accordance with label directions, and
 - 2. In compliance with Washington State Department of Agriculture rules located in Chapter 16-228 WAC, pesticide regulations, to prevent adulteration of foods and contamination of food contact surfaces.

(R&R 91 §1(part), 5-14-93)

5.30.030 Licensed pest control operators.

The food service establishment owner shall employ the services of a licensed pest control operator when the health officer determines:

- A. Measures taken by the food service establishment owner are ineffective;
- B. Pest problems are severe;
- C. Pest problems extend beyond the property boundaries controlled by the food service establishment owner; or

D. The food service establishment owner has used pesticides improperly, in a manner endangering public health.
(R&R 91 §1(part), 5-14-93)

5.30.040 Automatic dispensing aerosol units.

The food service establishment owner shall ensure that automatic dispensing aerosol units, if used, are:

- A. Prohibited in all areas where food is prepared or served; and
- B. Installed and used only in areas at least twenty (20) feet away from any:
 - 1. Food storage area,
 - 2. Food preparation or service area,
 - 3. Unprotected food contact surfaces, and
 - 4. Utensil washing or storage area.

(R&R No. 00-03 §4, 1-21-00: R&R 91 §1(part), 5-14-93)

Chapter 5.32 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

5.32.010 Floors and floor coverings.

The food service establishment owner shall:

- A. Ensure floors and floor coverings in all areas are:
 - 1. Constructed of easily cleanable materials,
 - 2. Kept clean,
 - 3. In good repair, and
 - 4. Coved at the floor/wall junctures, except for carpeted areas;
- B. Provide proper construction of floors and floor coverings with the following

characteristics:

- 1. Water impervious construction,
- 2. Grease resistance,
- 3. Durability, and
- 4. Drains provided when water or pressure spray methods of cleaning are used in any

of the following areas:

- a. Food preparation areas,
- b. Food and utensil storage areas,
- c. Utensil washing areas,
- d. Walk-in refrigerators,
- e. Dressing rooms or locker rooms with shower facilities, and
- f. Bathrooms where toilets or urinals are located;
- C. Ensure that utility service lines and pipes and the building drainage system are:
 - 1. Installed in a way that does not obstruct or prevent cleaning of the floor,
 - 2. Are not exposed in all establishments built or extensively remodeled after April 1,

1981.

(R&R 91 §1(part), 5-14-93)

5.32.020 Walls, windows, doors and ceilings.

The food service establishment owners shall:

- A. Ensure walls, windows, doors and ceilings in all areas are clean and in good repair.
 - B. Ensure that walls are constructed, in addition to requirements in subsection A of this section, with the following characteristics:
 - 1. Smooth finish,
 - 2. Nonabsorbent surfaces, and
 - 3. Construction with easily cleanable materials in the following areas:
 - a. Walk-in refrigerators and freezers,
 - b. Food preparation areas,
 - c. Utensil washing areas,
 - d. Dressing rooms or locker rooms with shower facilities, and
 - e. Bathrooms;
 - C. Ensure that utility service lines and pipes and the building drainage systems are:
 - 1. Installed in a way that does not obstruct or prevent cleaning of walls and ceilings,
 - 2. Not unnecessarily exposed on walls or ceilings in walk-in refrigerators, food preparation areas, equipment-washing and utensil-washing areas and toilet rooms or vestibules.
- (R&R 91 §1(part), 5-14-93)

5.32.030 Lighting.

The food service establishment owner shall provide:

- A. Lighting of at least thirty (30) foot candles in the following:
 - 1. Areas where food is prepared or stored,
 - 2. Areas where utensils are washed,
 - 3. Areas where hands are washed,
 - 4. In bathrooms, and
 - 5. When cleaning is occurring;
 - B. Proper shields or guards for lights in the food preparation areas and areas where unwrapped food is stored and displayed.
- (R&R 91 §1(part), 5-14-93)

5.32.040 Ventilation.

The food service establishment owner shall:

- A. Ensure design, installation and maintenance of ventilation systems in accordance with applicable state and local mechanical and fire codes; and
- B. Provide ventilation systems, when necessary, to keep all areas free of excessive:
 - 1. Heat,
 - 2. Steam,
 - 3. Condensation,
 - 4. Fumes and vapors, and
 - 5. Smoke;
- C. Design and maintain ventilation hoods and filters to:
 - 1. Prevent grease and condensate from dripping into food or onto food contact

surfaces; and

2. Allow ready removal of filters for cleaning and replacement.
(R&R 91 §1(part), 5-14-93)

5.32.050 Maintenance.

The food service establishment owner shall maintain the premises by:

A. Allowing only articles necessary for operation and maintenance of the food service establishment to be stored there;

B. Prohibiting use of any room in the food service establishment as living or sleeping quarters;

1. Except when separated from all food service operations by complete partitions and solid doors, and

2. Except in bed and breakfasts;

C. Allowing only food service workers or other persons authorized by the health officer in food preparation and storage areas.

(R&R 91 §1(part), 5-14-93)

5.32.060 Animals.

The food service establishment owner shall allow live animals only under the following conditions:

A. Fish, crustacea and shellfish for food purposes in aquariums;

B. Fish in aquariums for display or decor;

C. Patrol dogs accompanying security or police officers; or

D. Guide dogs or service dogs, as defined under RCW 70.84, are allowed to accompany a blind, visually handicapped, hearing impaired or otherwise physically disabled person in all areas of a food service establishment.

(R&R 91 §1(part), 5-14-93)

Chapter 5.34 MOBILE FOOD VEHICLES

5.34.010 Generally.

The owner of a mobile food vehicle shall comply with the requirements of this title, except as allowed in this chapter.

(R&R 91 §1(part), 5-14-93)

5.34.020 Food source and labeling.

The owner of a mobile food vehicle shall ensure:

A. All foods, including ice, are from an approved source or commissary; and

B. All prepackaged foods are properly labeled, except when prepared in the mobile food vehicle or commissary.

(R&R 91 §1(part), 5-14-93)

5.34.030 Temperature control and food preparation.

A. The owner of a mobile food vehicle shall ensure proper temperature control of potentially hazardous foods on the vehicle by:

1. Prohibiting cooling of potentially hazardous foods or ingredients;
2. Allowing only potentially hazardous foods that have been cooked and cooled in a commissary to be reheated in individual portions for immediate service;
3. Allowing only foods processed in commercial food processing plants to be reheated from forty-five degrees Fahrenheit (45° F.) to one-hundred forty degrees Fahrenheit (140° F.) or above within one hour when reheated at the commissary or on the mobile vehicle after leaving the commissary;
4. Prohibiting cooking of raw meats greater than one inch in thickness;
5. Preheating hot holding equipment and prechilling cold holding equipment before loading potentially hazardous food onto the mobile vehicle; and
6. Monitoring temperatures of potentially hazardous foods with a thermometer.

B. The owner of a mobile food vehicle shall ensure:

1. Preparation steps for potentially hazardous foods are minimized to decrease risk of foodborne illness;
2. Facilities are adequate for all food preparation steps on the mobile vehicle; and
3. Preparation of potentially hazardous foods that are prepared on the mobile vehicle are prepared daily.

(R&R 91 §1(part), 5-14-93)

5.34.040 Cold and hot holding.

The owner of a mobile food vehicle shall ensure:

A. Cold holding of potentially hazardous foods is accomplished by use of:

1. Mechanical refrigeration, or
2. Ice, when all food is prechilled and packaged in sealed containers;

B. Hot holding of potentially hazardous foods is accomplished by use of mechanical units.

(R&R 91 §1(part), 5-14-93)

5.34.050 Condiments, single service, equipment and utensils.

The owner of a mobile food vehicle shall:

A. Provide condiments in single-service packages, dispenser bottles or in bulk when protected by an approved sneeze guard;

B. Provide single-service articles for use by the consumer; and

C. Store all equipment and utensils on the mobile food vehicle or in the commissary.

(R&R 91 §1(part), 5-14-93)

5.34.060 Food service workers.

The owner of a mobile food vehicle shall:

A. Allow only food service workers and persons authorized by the health officer to be present in the mobile food vehicle; and

B. Ensure that all food service workers in the mobile food vehicle have current food and beverage service workers permits, unless all foods are prepackaged and nonpotentially hazardous.

(R&R 91 §1(part), 5-14-93)

5.34.070 Water supply.

When a mobile food vehicle has a water supply:

- A. The source and system design shall be approved by the health officer;
- B. The capacity of the system shall be sufficient to furnish enough hot and cold water for each of the following procedures if they occur on the mobile food vehicle:
 - 1. Food preparation,
 - 2. Utensil cleaning,
 - 3. Sanitizing,
 - 4. Handwashing, and
 - 5. Facility cleaning.

(R&R 91 §1(part), 5-14-93)

5.34.080 Wastewater.

The owner of a mobile food vehicle with a water system shall ensure:

- A. All liquid waste is stored in a wastewater retention tank with at least fifteen (15) percent more capacity than the water tank; and
- B. Wastewater is retained on the mobile food vehicle until disposed into a public sewer system.

(R&R 91 §1(part), 5-14-93)

5.34.090 Dishwashing facilities.

The owner of a mobile food vehicle shall provide:

- A. A three-compartment sink supplied with thirty-five (35) gallons of hot and cold running water to wash, rinse and sanitize utensils when equipment or utensils are reused on the mobile food vehicle; except
- B. This requirement may be waived or modified by the health officer when:
 - 1. Limited food preparation occurs; and
 - 2. Additional clean utensils are available and utensil washing can take place at an approved base of operation.

(R&R 91 §1(part), 5-14-93)

5.34.100 Handwashing facilities.

A. The owner of a mobile food vehicle shall provide a separate handwashing facility for food workers in the mobile food vehicle consisting of:

- 1. A sink supplied with a minimum of five (5) gallons of potable, warm, running water under pressure at a minimum of eighty degrees Fahrenheit (80° F.) and a maximum of one-hundred twenty degrees Fahrenheit (120° F.);
- 2. Soap; and
- 3. Paper towels.

B. When only prepackaged food items are served, the health officer may waive or modify requirements for handwashing.

(R&R 91 §1(part), 5-14-93)

5.34.110 Toilet facilities.

The owner of a mobile food vehicle shall ensure toilet facilities for food workers are available and readily accessible within two-hundred (200) feet of the vehicle during operation. (R&R 91 §1(part), 5-14-93)

5.34.120 Commissary.

The owner of a mobile food vehicle shall provide an approved commissary or base of operations which shall:

A. Provide adequate storage for all extra food, equipment, utensils, single-service articles and supplies; and

B. Be available at the end of each working day and as often as necessary throughout the day for:

1. Cleaning of the mobile food vehicle and equipment,
2. Refilling of fresh water tanks and wastewater disposal, and
3. Storage of the mobile food vehicle when not in operation.

(R&R 91 §1(part), 5-14-93)

5.34.130 Location or route.

The owner of a mobile food vehicle shall provide an exact location or a specific route for their operation.

(R&R 91 §1(part), 5-14-93)

5.34.140 Prepackaged food service.

The mobile food vehicle permit will apply to the route rather than a specific vehicle when:

A. Food service from the mobile food vehicle is restricted to limited prepackaged food items;

B. The potentially hazardous foods are kept in approved self-contained hot and cold holdings units as per Section 5.34.040 of this title; and

C. The hot and cold holding units can be transferable from vehicle to vehicle.

(R&R 91 §1(part), 5-14-93)

5.34.150 Plans.

A. The owner of a mobile food vehicle or permit applicant shall submit properly prepared plans and specifications of the mobile food vehicle, base of operation and/or commissary to the health officer for approval:

1. Before construction or remodeling begins;
2. Before a new, additional or replacement vehicle is purchased;
3. Before the method of food preparation is changed;
4. When ownership is changed;
5. Before the location or route is changed; or
6. Before the commissary is changed.

B. The owner of a mobile food vehicle shall include in the plan:

1. Ownership information including name, address and phone number;

2. Menu and food preparation steps;
 3. Design of mobile food vehicle;
 4. Equipment specifications and location;
 5. Finish schedule;
 6. Proposed itinerary or sites to be served;
 7. Operating procedures;
 8. Source of water and specifications of the on-board plumbing;
 9. Site used for sewage disposal;
 10. Availability of restrooms for food service workers; and
 11. Base of operation or commissary.
- (R&R 91 §1(part), 5-14-93)

5.34.160 Other approvals.

The owner of the mobile food vehicle shall obtain approval from the Department of Labor and Industries, if necessary.
(R&R 91 §1(part), 5-14-93)

5.34.170 Additional requirements.

The health officer may impose additional requirements to protect against health hazards related to the operation of a mobile food vehicle and may:

- A. Limit the food preparation steps;
 - B. Restrict the mode of operation when facilities or equipment are inadequate to protect public health; and/or
 - C. Prohibit some menu items.
- (R&R 91 §1(part), 5-14-93)

Chapter 5.36 MOBILE FOOD CARTS

5.36.010 Generally.

The owner of a mobile food cart shall comply with the requirements of this title, except as allowed in this chapter.
(R&R 91 §1(part), 5-14-93)

5.36.020 Food source and labeling.

The owner of a mobile food cart shall ensure:

- A. All foods, including ice, are from an approved source or commissary; and
 - B. All prepackaged foods are properly labeled, except when prepared in the commissary.
- (R&R 91 §1(part), 5-14-93)

5.36.030 Temperature control and food preparation.

- A. The owner of a mobile food cart shall ensure proper temperature control of potentially

hazardous foods on the cart by:

1. Prohibiting preparation of all potentially hazardous foods except hot dogs and milk for espresso;
 2. Requiring all milk products and hot dogs to be cold held in mechanical refrigeration;
 3. Steaming milk for espresso for immediate service only;
 4. Prohibiting cooling and reuse of leftover hot dogs and milk; and
 5. Monitoring temperatures of potentially hazardous foods with a thermometer.
- B. The owner of a mobile food cart shall ensure:
1. Preparation steps for nonpotentially hazardous foods are minimized to decrease risk of foodborne illness;
 2. Facilities are adequate for all food storage and preparation steps on the mobile food cart.
- (R&R 91 §1(part), 5-14-93)

5.36.040 Condiments, single-service, equipment and utensils.

The owner of a mobile food cart shall:

- A. Provide condiments in single-service packages or dispenser bottles;
 - B. Provide single-service articles for use by the consumer;
 - C. Store all equipment, utensils, paper products, cleaning supplies, water and food on the mobile food cart or in the commissary except:
 1. One extra ice chest, a chair and waste receptacle may accompany the cart at the site of operation, and
 2. The ice chest may be on a separate cart no larger than the chest and may also be used for storage of extra single-service items such as cups and napkins only.
- (R&R 91 §1(part), 5-14-93)

5.36.050 Dishwashing and cleaning.

The owner of a mobile food cart shall:

- A. Wash, rinse and sanitize all reusable utensils at the commissary every two (2) hours. If the commissary is not convenient to carry out dishwashing, then extra clean and sanitized utensils must be provided on the cart and soiled utensils replaced every two (2) hours; and
 - B. Maintain the cart in a clean and sanitary manner.
- (R&R 91 §1(part), 5-14-93)

5.36.060 Cart design.

The owner of a mobile food cart shall ensure the cart body size is limited to three (3) feet by six (6) feet with each extension no longer than eighteen (18) inches or the size required by the local jurisdiction, whichever is smaller. The cart must be easily movable by one person.

(R&R 91 §1(part), 5-14-93)

5.36.070 Ice chest.

The owner of a mobile food cart shall ensure the maximum size of the ice chest is three (3) cubic feet and thirty (30) inches long. The ice chest shall only be used for nonpotentially hazardous foods.

(R&R 91 §1(part), 5-14-93)

5.36.080 Water supply.

- A. When a mobile food cart has a water supply:
1. The source and system design shall be approved by the health officer;
 2. The capacity of the system shall be sufficient to furnish enough hot and cold water for each of the following procedures:
 - a. Food preparation,
 - b. Handwashing, and
 - c. Cart cleaning at the site of operation when necessary.
- B. The owner of a mobile food cart with a water system shall ensure at least five (5) gallons of water is provided for handwashing. Any water needed for other purposes must be in addition to the five (5) gallons for handwashing.

(R&R 91 §1(part), 5-14-93)

5.36.090 Wastewater.

- The owner of a mobile food cart with a water system shall ensure:
- A. All liquid waste is stored in a wastewater retention tank with at least fifteen (15) percent more capacity than the water tank; and
- B. Wastewater is retained on the mobile food cart until disposed into a public sewer system at the commissary.

(R&R 91 §1(part), 5-14-93)

5.36.100 Handwashing facilities.

- A. The owner of a mobile food cart shall provide a handwashing sink on the cart for food workers accessible at all times the cart is in operation consisting of:
1. A sink supplied with a minimum of five (5) gallons of potable, warm, running water under pressure at a minimum of eighty degrees Fahrenheit (80° F.) and a maximum of one-hundred twenty degrees Fahrenheit (120° F.);
 2. Soap; and
 3. Paper towels.

- B. When only prepackaged food items are served, the health officer may waive or modify requirements for handwashing.

(R&R 91 §1(part), 5-14-93)

5.36.110 Toilet facilities.

The owner of a mobile food cart shall ensure toilet facilities for food workers are available and readily accessible within two-hundred (200) feet of the mobile food cart during operation.

(R&R 91 §1(part), 5-14-93)

5.36.120 Overhead protection.

The owner of a mobile food cart shall provide overhead protection to the cart at the site of operation.

(R&R 91 §1(part), 5-14-93)

5.36.130 Dishwashing facilities.

The owner of a mobile food cart shall provide at the commissary approved dishwashing facilities to wash, rinse and sanitize utensils when equipment or utensils are reused on the mobile food cart.

(R&R 91 §1(part), 5-14-93)

5.36.140 Commissary.

The owner of a mobile food cart shall provide an approved commissary or base of operations which shall:

A. Provide adequate storage for all extra food, equipment, utensils, single-service articles and supplies; and

B. Be available at the end of each working day and as often as necessary throughout the day for:

1. Cleaning of the mobile food cart and equipment,
2. Refilling of fresh water tanks and wastewater disposal, and
3. Storage of the mobile food cart when not in operation.

(R&R 91 §1(part), 5-14-93)

5.36.150 Location.

The owner of a mobile food cart shall provide an exact location for their operation.

(R&R 91 §1(part), 5-14-93)

5.36.160 Plans.

A. The owner of a mobile food cart or permit applicant shall submit properly prepared plans and specifications of the mobile food cart, base of operation and/or commissary to the health officer for approval:

1. Before construction or remodeling begins;
2. Before a new or replacement cart is purchased;
3. Before the method of food preparation is changed;
4. When ownership is changed;
5. Before the location is changed; or
6. Before the commissary is changed.

B. The owner of a mobile food cart shall include in the plan:

1. Ownership information including name, address and phone numbers;
2. Menu and food preparation steps;
3. Design of mobile food cart;
4. Equipment specifications and location;
5. Finish schedule;
6. Proposed site to be served;
7. Operating procedures;
8. Source of water and specifications of the cart plumbing;
9. Site used for sewage disposal;
10. Availability of restrooms for food service workers;
11. Base of operation or commissary; and

12. Written approval from the local building department or applicable jurisdiction for any structural, parking, traffic, seating or other requirements.
(R&R 91 §1(part), 5-14-93)

5.36.170 Additional requirements.

The health officer may impose additional requirements to protect against health hazards related to the operation of a mobile food cart and may:

A. Limit the food preparation steps;
B. Restrict the mode of operation when facilities or equipment are inadequate to protect public health; and/or

C. Prohibit some menu items.
(R&R 91 §1(part), 5-14-93)

Chapter 5.37

ESTABLISHMENTS SELLING ONLY ESPRESSO, HOT DOGS AND FOODS EXEMPT FROM PERMIT AND/OR PLAN REVIEW

5.37.010 Generally.

Food service establishments which serve only espresso, hot dogs and/or food exempt from permit and/or plan review shall comply with the requirements of this title, except as allowed in this chapter.

(R&R 91 §1(part), 5-14-93)

5.37.020 Hand sink requirements.

The health officer may allow hand sinks that are not plumbed to permanent water and sewer when the local building and plumbing officials concur in writing.

(R&R 91 §1(part), 5-14-93)

5.37.030 Toilet facilities.

The food service establishment owner shall ensure that toilet facilities for food workers are:

A. Conveniently located with two hundred (200) feet of the establishment; and
B. Available at all times that the establishment is operating.

(R&R 91 §1(part), 5-14-93)

5.37.040 Facilities for cleaning and sanitizing.

The health officer may permit facilities for cleaning and sanitizing to be located off-site when:

A. The facilities meet the provisions of Sections 5.20.050 and 5.20.070;
B. The facilities are conveniently located within two hundred (200) feet of the establishment; and

C. The facilities are available at all times that the establishment is in operation.
(R&R 91 §1(part), 5-14-93)

5.37.050 Additional requirements.

The health officer may impose additional requirements to protect against health hazards related to the operation of the establishment including, but not limited to:

- A. Limiting food preparation steps;
- B. Restricting the mode of operation when facilities or equipment are inadequate to protect public health; and/or
- C. Prohibiting some menu items.

(R&R 91 §1(part), 5-14-93)

Chapter 5.38

CUSTOMER SELF-SERVICE OF FOOD AND BULK FOOD DISPENSING

5.38.010 Food protection.

The food service establishment owner shall protect foods from adulteration and contamination during customer self-service by:

A. Designating a person to be responsible for the customer self-service area. This person shall:

- 1. Monitor the customer self-service and bulk food areas to prevent tampering and contamination of foods,
- 2. Ensure adequate temperature control of potentially hazardous foods by:
 - a. Cooking, reheating or prechilling foods before offering for sale,
 - b. Monitoring food temperatures with a metal stem thermometer, and
 - c. Correcting improper storage practices,
- 3. Clean up any spills that occur and rotate stock,
- 4. Clean and sanitize storage containers and utensils used for food storage or handling of foods, and

5. Dispose of any bulk foods returned to the food service establishment or contaminated by customers;

B. Separating all bulk food display devices from any containers of chemicals which might contaminate bulk foods and from pet foods by approved methods including one of the following:

- 1. Horizontal separation, different aisles or partitions between bulk foods and chemicals or pet foods, or
- 2. Vertical separation with chemicals or pet foods stored below bulk foods;

C. Storing and dispensing all foods on display for customer self-service or bulk foods by one of the following:

- 1. Gravity dispensing devices,
- 2. Display devices or storage containers with covers or lids, or
- 3. Properly designed sneeze guards, display cases or easily movable covers, except for whole raw fruits and vegetables.

(R&R 91 §1(part), 5-14-93)

5.38.020 Utensils and display containers.

The food service establishment owner shall ensure that food service workers utilize:

A. Proper utensils when required in this title using the following:

1. Properly designed and cleaned scoops, spatulas, tongs and similar dispensing utensils present in or on each display device,
2. In-use serving utensils stored in the food with the handles extending out of the food, or
3. Dispensing utensils stored clean and dry between uses in a protective enclosure or utensil holder;

B. Containers for display of ready-to-eat foods with the lowest access point at least thirty (30) inches above floor level, except for:

1. Raw fruits and vegetables,
2. Honey,
3. Oil, or
4. Similar liquids as approved by the health officer.

(R&R 91 §1(part), 5-14-93)

Chapter 5.40 BED AND BREAKFAST FOOD SERVICE OPERATIONS

5.40.010 Generally.

Owners of bed and breakfast homes and inns shall comply with all food supply, food handling, personal hygiene, food protection, food service establishment maintenance, permitting and enforcement requirements under Chapters 5.06, 5.08, 5.12, 5.14, 5.16, 5.18, 5.20, 5.22, 5.24, 5.26, 5.28, 5.30, 5.50, 5.52, 5.54, 5.56, 5.58, 5.60, 5.62, 5.64, 5.66 except as otherwise provided in this chapter.

(R&R 91 §1(part), 5-14-93)

5.40.020 Requirements for food preparation.

Owners of bed and breakfast homes and inns may prepare foods in their residential kitchen when:

- A. All food service is limited to overnight guests;
- B. Potentially hazardous foods items are prepared for immediate service;
- C. Cooling and/or reheating of potentially hazardous foods prepared on-site is prohibited;
- D. A minimum of a three-compartment sink or a sink together with a homestyle dishwasher with one-hundred fifty-five degrees Fahrenheit (155° F.) water provided by a booster or a sanitizing cycle is available and used;
- E. Food supplies for domestic use are separated from food supplies intended for customer use; and
- F. Children under age ten (10) and pets are kept out of the kitchen during preparation of foods for bed and breakfast guests.

(R&R 91 §1(part), 5-14-93)

5.40.030 Additional requirements.

The health officer may impose additional requirements to protect against health hazards related to the food service portion of a bed and breakfast operation and when no health hazard will result, may waive or modify requirements of this title.

(R&R 91 §1(part), 5-14-93)

Chapter 5.42 TEMPORARY FOOD SERVICE ESTABLISHMENTS

5.42.010 Generally.

The owner of a temporary food service establishment shall comply with the requirements of this title, except as allowed in this chapter.

(R&R 91 §1(part), 5-14-93)

5.42.020 Temperature control and food preparation.

A. The owner of a temporary food service establishment shall ensure proper time/temperature control by:

1. Prohibiting cooling of potentially hazardous foods at temporary food service establishments;

2. Cooling potentially hazardous foods before an event if:

a. The food product that was cooled will be served cold, or

b. Individual portions of the food are reheated for immediate service, and

c. The food was cooled in an approved facility with adequate cooling capacity and cold holding facilities, and

d. Cooling procedures meet requirements contained in Section 5.16.070 of this title.

3. Ensuring rapid reheating of all potentially hazardous foods from forty-five degrees Fahrenheit (45° F.) to a minimum temperature of one-hundred sixty-five degrees Fahrenheit (165° F.) within thirty (30) minutes, except there are no minimum temperatures required when individual portions are reheated for immediate service.

B. The owner of a temporary food service establishment shall safely prepare foods by:

1. Providing adequate facilities at the temporary food service establishment for all proposed food preparation steps;

2. Monitoring food temperatures by use of a stem-type thermometer; and

3. Ensuring all off-site preparation is done in an approved facility.

(R&R 91 §1(part), 5-14-93)

5.42.030 Application and permit issuance.

A. The owner of a temporary food service establishment shall submit an application for a permit and/or plan review for a temporary food service establishment at least fourteen (14) days prior to the date of operation along with the applicable fee as set forth in the fee schedule. The

application must be approved prior to issuance of the permit.
(R&R 91 §1(part), 5-14-93)

B. When the application has been received between three (3) and thirteen (13) days prior to the date of operation along with the applicable fee and late fee as set forth in the fee schedule, the owner of a temporary food service establishment may be issued a permit or approval to operate only when:

1. The health officer determines that the department has resources available to make the necessary inspections;
2. The applicant pays the applicable late fee as set forth in the fee schedule; and
3. The health officer limits the menu to low hazard or exempt foods or determines that operation of the establishment will not present a health hazard.

C. If the application is received two (2) or less days prior to the date of operation, the owner of a temporary food service establishment will not be issued a permit. Foods exempt from permit and/or plan review as per Section 5.50.030 of this title may be authorized upon payment of the plan review fees, when applicable and late fees as set forth in the fee schedule.
(R&R 91 §1(part), 5-14-93)

5.42.040 Operational requirements.

The owner of a temporary food service establishment shall:

- A. Require the person in charge of the temporary food service establishment to obtain a valid Food and Beverage Service Worker's Permit before beginning work;
- B. Allow only food service workers and other persons authorized by the health officer to be present in a temporary food service establishment;
- C. Require the use of only single-service articles for use by consumers in a temporary food service establishment without sufficient dishwashing facilities;
- D. Separate grills and barbecues from public access by using ropes or other approved methods; and
- E. Construct booths to minimize:
 1. Public access,
 2. Dust,
 3. Mud, and
 4. Overhead contamination.

(R&R 91 §1(part), 5-14-93)

5.42.050 Handwashing facilities.

A. The owner of a temporary food service establishment shall provide approved hand washing facilities for food workers in the temporary food service establishment with:

1. A minimum of two (2) gallons of clean, warm, running water at a minimum of eighty degrees Fahrenheit (80° F.) and a maximum of one-hundred twenty degrees Fahrenheit (120° F.);
2. Soap; and
3. Paper towels.

B. The health officer may allow handwashing in a three-compartment utensil washing sink only if:

1. The sink is located in the food preparation area; and
2. Periodic handwashing will not interfere with washing of utensils.

(R&R 91 §1(part), 5-14-93)

5.42.060 Toilet facilities.

The food service establishment owner shall provide readily accessible and available toilet facilities with approved handwashing facilities within two hundred (200) feet of the temporary food service establishment for food workers.

(R&R 91 §1(part), 5-14-93)

5.42.070 Dishwashing facilities.

The owner of a temporary food service establishment shall provide access within two hundred (200) feet to a three-compartment sink with hot and cold running water under pressure to wash, rinse and sanitize utensils when:

A. Equipment or utensils are reused on-site; or
B. The temporary food service establishment operates for two (2) or more consecutive days;

C. Except the health officer may approve an alternative utensil cleaning method when three-compartment sinks are not available and no health hazard will exist.

(R&R 91 §1(part), 5-14-93)

5.42.080 Utility sinks.

The owner of a temporary food service establishment shall provide access to a utility sink when necessary for high volume waste water disposal.

(R&R 91 §1(part), 5-14-93)

5.42.090 Additional requirements.

The health officer may impose additional requirements to protect against health hazards related to the operation of the temporary food service establishment and may:

A. Limit the preparation steps; or
B. Prohibit some menu items; and
C. When no health hazard will result, modify requirements of this title.

(R&R 91 §1(part), 5-14-93)

Chapter 5.44

SALE OF HOMEMADE GOODS

5.44.010 Foods allowed.

The health officer may allow the giving, sale or offering for sale of homemade goods such as breads, cakes, cookies and candies to the public only by community, nonprofit organizations when such items are not considered to be potentially hazardous.

(R&R 91 §1(part), 5-14-93)

5.44.020 Food protection.

The operator shall ensure that all such items are wrapped or otherwise protected from contamination while on display and being offered to the consumer.
(R&R 91 §1(part), 5-14-93)

5.44.030 Prohibited foods.

The operator shall not offer any product containing:

- A. Custard or cream fillings or toppings;
- B. Whipped cream or nondairy whipped fillings or toppings;
- C. Unpasteurized dairy product unless it is completely baked.

(R&R 91 §1(part), 5-14-93)

5.44.040 Permits.

The sale of prewrapped homemade goods will be considered exempt from permit requirements. Any operator selling, giving or offering for sale unwrapped homemade goods will be required to obtain a temporary food service permit and must meet all requirements of Chapter 5.42 of this title other than food source requirements.

(R&R 91 §1(part), 5-14-93)

Chapter 5.46

FOOD DEMONSTRATION AND PROMOTION

5.46.010 Generally.

Food demonstrations and food promotions shall comply with the requirements of this title, except as otherwise provided in this chapter.

(R&R 91 §1(part), 5-14-93)

5.46.020 Permits.

A. A food demonstrator who provides personnel who conduct food demonstrations shall be required to obtain a permit except that employees of a licensed food service may conduct food demonstrations under existing food service establishment permits if required facilities are available.

B. A food promoter who provides personnel who conduct food promotions shall be required to obtain a permit except that employees of a licensed food service may conduct food promotions under existing food service establishment permits if required facilities are available.

C. A food demonstrator or a food promoter must conduct the demonstration or promotion in a food service establishment under permit with the department or under the sponsorship of such food service establishment, in an area immediately adjacent to and under control of the establishment or at a temporary food service establishment or event.

D. The person conducting the food demonstration or food promotion must have a copy of a valid food demonstration or food promotion permit on site.

E. Each person engaged in food demonstration or food promotion must have a valid Food and Beverage Service Worker's Permit.

(R&R 91 §1(part), 5-14-93)

5.46.030 Food preparation and protection.

- A. The food demonstrator shall:
1. Do any food preparation prior to the food demonstration in an approved food preparation area;
 2. Limit food preparation at the demonstration site to portioning, cooking and reheating the foods;
 3. Cook or reheat potentially hazardous foods for immediate service only;
 4. Protect foods on display from potential contamination by the use of protective shields, such as sneeze guards, dome covers or plastic wrap;
- B. The food promoter shall limit food preparation at food promotions to cooking and hot holding of hot dogs.
- (R&R 91 §1(part), 5-14-93)

5.46.040 Food dispensing.

The food demonstrator shall avoid unnecessary manual contact with food by use of suitable utensils, including but not limited to:

- A. Single-service tableware, to be discarded frequently if used for portioning;
- B. Single-service tableware, to be dispensed with each consumer's serving and not to be reused;
- C. Clean and sanitized utensils, stored in the food with the handle extended out of the food and replaced at frequent intervals, except scooping of frozen desserts with a reusable scoop requires a running water dipper well; or
- D. Service of consumer portions in single-service articles or separated in such a way that customers will not contact portions to be served to others.
- (R&R 91 §1(part), 5-14-93)

5.46.050 Operational requirements.

- Food demonstrators shall:
- A. Sanitize wiping cloths and store them in sanitizer;
- B. Make approved toilet and handwashing facilities available in the food service establishment in which the food demonstration or food promotion is held;
- C. Provide temporary handwashing facilities if the food demonstration or food promotion site is outdoors or farther than two-hundred (200) feet from a food service establishment or on another floor. Handwashing must meet the requirements of Section 5.42.050 of this title;
- D. Make leak proof containers available for disposal of waste from the food demonstration or food promotion.
- (R&R 91 §1(part), 5-14-93)

5.46.060 Additional requirements.

The health officer may impose additional requirements to protect against health hazards related to the conduct of food demonstrations and food promotions, may prohibit the serving of some or all potential hazardous foods and may waive or modify requirements of this title when, in his/her opinion, a health hazard is not likely to result from such waiver or modification.

(R&R 91 §1(part), 5-14-93)

Chapter 5.48

REVIEW OF PLANS AND MENU

5.48.010 When to submit.

The food service establishment owner shall submit properly prepared plans and specifications to the health officer for approval whenever:

- A. A food service establishment is constructed;
 - B. An existing structure is converted for use as a food service establishment;
 - C. Significant changes to the methods of food preparation or style of service occurs; or
 - D. An existing food service establishment undergoes an extensive remodel, provided that the health officer may waive a complete plan review if:
 - 1. The remodel does not substantially affect the requirements of this title; or
 - 2. The health officer requires minor modifications of the existing food service establishment to improve compliance with this title.
- (R&R 91 §1(part), 5-14-93)

5.48.020 Plan approval.

The health officer shall base plan approval on:

- A. Information on proposed type of menu and style of service, including:
 - 1. Type of food to be served,
 - 2. Method of food preparation and type of cooking,
 - 3. Seating capacity and anticipated maximum meals per day,
 - 4. Methods of customer service,
 - 5. Type of customer utensils, and
 - 6. Number of employees per shift;
- B. Information on proposed site, including:
 - 1. Site plan,
 - 2. Availability of approved public water supply,
 - 3. Availability of approved sewage disposal, and
 - 4. Accessibility for delivery traffic, garbage storage, garbage pickup frequency and other auxiliary needs;
- C. Information on proposed facilities, including:
 - 1. Floor plan,
 - 2. Finishes used on floors, walls and ceilings,
 - 3. Number, types and locations of sinks and drain boards,
 - 4. Plumbing specifications, such as types and locations of fixtures and drains,
 - 5. Restroom design, location and number of fixtures,
 - 6. Types and locations of lighting,
 - 7. Types and locations of ventilation, including exhaust hoods, screened windows or doors, and
 - 8. Designation of smoking and nonsmoking sections;
- D. Information on proposed equipment, including:
 - 1. Material and design of food contact surfaces,

2. Refrigeration and shelving design for rapid cooling, prechilling, thawing and separation of raw meats from other foods,
 3. Ice-making equipment for supplying ice bath cooling, salad bar or buffet service,
 4. Cooking, reheating and hot holding equipment,
 5. Shelving for dry food storage,
 6. Mechanical dishwashing machine and associated equipment, and
 7. Design and installation of equipment, including self-service and display equipment.
- (R&R 91 §1(part), 5-14-93)

5.48.030 Procedure.

The procedure for plan approval and permit issuance is as follows:

- A. The food service establishment owner shall submit plans with the applicable fee set forth in the fee schedule as described in this title.
 - B. The health officer shall grant approval of the plans if the plans are in compliance with this title;
 - C. The food service establishment owner shall, prior to operation:
 1. Submit a food service permit application with the applicable fee set forth in the fee schedule, and
 2. Request a preoperational inspection;
 - D. The food service establishment owner shall not commence operation until the health officer provides a preoperational inspection of a permanent food service establishment and verifies conformance with approved plans and compliance with this title.
- (R&R 91 §1(part), 5-14-93)

Chapter 5.50

PERMITS REQUIRED

5.50.010 Application and issuance.

It shall be unlawful for any person to operate a food service establishment without a valid permit therefor issued to such person by the health officer. Any person desiring to operate a food service establishment, except an establishment licensed by the Washington State Department of Health, shall:

- A. Comply with the provisions of this title;
- B. Make written application for a permit on forms provided by the health officer. Such application shall include the applicant's full name, mailing address and the signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm or corporation and, if a partnership, the names and addresses of all partners; the location and type of the proposed food service establishment; and shall be accompanied by the permit fee as set forth in the fee schedule. If the application is for a seasonal or temporary food service establishment, it shall also include the inclusive dates of the proposed operation;
- C. Be issued a permit by the health officer when inspection reveals that the applicable requirements of this title and directives of the health officer have been met and the applicable fee has been paid. The health officer may deny the application if in his/her judgment the operation of the establishment will result in a hazard to the public health or is in current violation of this code.

The health officer may consider any relevant health and safety factors under this title in making this determination. The health officer may also deny the application if the applicant has any outstanding moneys owed to the department for permit fees, late fees, checks returned by the bank, civil penalties or other miscellaneous fees. If an application is denied on the grounds of a hazard to the public health, the health officer at the time of the denial shall inform the applicant in writing of the reasons for the denial and the applicant's right to an appeal to contest the denial;

D. Be issued temporary and seasonal food service establishment permits for the periods of time specified by the applicant therefor, except that a seasonal food service establishment permit shall not be valid for more than six (6) consecutive months and a temporary food service establishment permit shall not be valid for more than twenty-one (21) consecutive days;

E. Be issued a duplicate permit upon payment of the fee set forth in the fee schedule where, from such evidence as he/she may require, the health officer finds that a permit has been lost;

F. Be issued a new permit in the new establishment name upon payment of the fee set forth in the fee schedule where, from such evidence as he/she may require, the health officer finds that the name of an establishment has changed after a permit has been issued for the same, but there has been no change in ownership, location or type of operation.

(R&R 91 §1(part), 5-14-93)

5.50.020 Effective periods, validity, display, penalty clause.

The food service establishment owner operating a food service establishment:

A. Shall possess a valid permit issued to him/her by the health officer. All permits issued pursuant to this title shall expire on the March 31st next following the date of issuance. Notwithstanding any other provision hereof to the contrary, all temporary and seasonal permits issued pursuant to this title shall expire on the date set forth on the face of such permit;

B. Shall obtain a separate permit for each location at which an activity subject to a permit is conducted. Each permit shall be valid only at the location stated on the permit; shall not be transferable and shall remain the property of the department;

C. Shall post the permit conspicuously in the food service establishment;

D. Shall remove from the premises or other area where it is placed as required by this title, every permit upon expiration, suspension or revocation. Whenever a permit is suspended or revoked, the permittee shall return the permit to the health officer. If a suspended or revoked permit is not returned, it may be removed by the health officer;

E. May be guilty of a misdemeanor pursuant to RCW 70.05.120 and/or local regulations if operating without a valid permit issued by the health officer.

(R&R 91 §1(part), 5-14-93)

5.50.030 Permit and/or plan review exemptions.

The food service establishment owner operating a food service establishment may be exempt from the permit and/or plan review requirements for the service of certain foods with prior authorization of the health officer and concurrence of the Washington State Department of Health.

(R&R 91 §1(part), 5-14-93)

Chapter 5.52

FEES

5.52.010 Fee schedule.

A. The food service establishment owner shall:

1. Pay permit fees, plan review fees and miscellaneous fees under this title as set forth in the fee schedule below:

CLASS CODE

RESTAURANTS

| | |
|-------------------------------------|-------------------|
| Seating capacity 1-75 | \$561.00 per year |
| Seating capacity 76-150 | 617.00 per year |
| Seating capacity 151-250. | 712.00 per year |
| Seating capacity over 250 | 736.00 per year |

CATERERS (if not part of another
food service establishment) 502.00 per year

FOOD-PROCESSING ESTABLISHMENTS 486.00 per year

SNACK BARS (no food preparation) 372.00 per year

MOBILE FOOD-SERVICE UNITS

| | |
|---|-----------------|
| Mobile food carts, base fee | 392.00 per year |
| Additional locations, each. | 251.00 per year |
| Restricted mobile food vehicles, base fee | 375.00 per year |
| Additional vehicles, each. | 338.00 per year |
| Unrestricted mobile food vehicles, base fee | 454.00 per year |
| Additional vehicles, each. | 108.00 per year |

TEMPORARY FOOD SERVICE ESTABLISHMENTS

| | |
|--|--------------------|
| Low-hazard operation. | \$167.00 per event |
| High-hazard operation | 174.00 per event |
| Religious, charitable or educational organization or institution with an Internal Revenue Service 501(C)(3) nonprofit tax-exempt status | 76.00 per event |

FOOD DEMONSTRATORS 166.00 per year

FOOD PROMOTERS 307.00 per year

TAVERNS (no food preparation) 319.00 per year

GROCERY STORES

| | |
|---------------------------------------|-----------------|
| Less than 4 checkout devices. | 179.00 per year |
| 4 or more checkout devices. | 233.00 per year |

BED AND BREAKFAST

| | |
|---------------------------------|-----------------|
| Continental breakfast | 222.00 per year |
| Full service breakfast. | 394.00 per year |

RETAIL BAKERIES 357.00 per year

REDUCED FEE ESTABLISHMENTS

Religious, charitable or educational
organization or institution with an
Internal Revenue Service 501(C)(3)
nonprofit tax exempt status
operating a food service establishment 113.00 per year
School lunchroom. . . One-half fee per year for applicable

category above
Vending facility under the supervision
of the Washington State Commission for
the Blind . . . One-half fee per year for applicable
category above

PLAN REVIEW

New construction. 277.00
Remodel 211.00
Multiple permits in one facility (2+) (each). . . 139.00
Resubmittal (per hour). Cost of service
Subsequent pre-occupancies, on-site
inspection prior to plan submittal, or
on-site inspection when no plan review
is required \$ 100.00
Temporary establishment 25.00

LATE FEES

Annual permits, 10 - 30 days. 25%
Annual permits, more than 30 days 50%
School lunchroom. -0-
Temporary applications, submitted
9 - 12 days prior to the event \$ 25.00
Temporary applications, submitted
3 - 8 days prior to the event 50.00
Seasonal permit 25.00

MISCELLANEOUS FEES

Duplicate permit. \$ 25.00
Change of name, no other change 25.00
Request for variance. 154.00
Check returned by the bank. 25.00
Processing of a refund. 25.00
After hours inspections requested
by food establishment owner Cost of service
Reinspection fee One-half the applicable annual permit fee
Reinstatement of permit after suspensionApplicable annual permit fee

Provided, that if the application pertains to a seasonal food service establishment or a food service establishment that is to be operated only after October 1st, in any year, the applicable permit fee shall be one-half (1/2) the annual fee specified above.

2. Submit the application and fee for a new annual or seasonal permit to the health officer before commencement of the operation.

3. The health officer is authorized to charge a fee equal to one-half (1/2) of the annual permit fee when he/she deems that a second inspection is necessary following a routine inspection or complaint investigation. The health officer shall adopt administrative policies to

specify the terms and conditions upon which such reinspections are made, to be based upon the extent and severity of violations found.

(R&R No. 02-05 § 1, 11-15-2002; R&R No. 01-02 § 1, 12-7-01; R&R No. 00-09 § 1, 7-21-00; R&R No. 99-07 §1, 11-19-99; R&R No. 98-04 §1, 12-17-98; R&R No. 97-05 §1, 12-19-97; R&R No. 4 §1, 12-20-96; R&R No. 3 §1, 9-20-96; R&R 92 amdt. §1, 12-20-96; R&R 92 amdt. §1, 9-20-96; R&R 92 §1, 12-14-93; R&R 91 §1(part), 5-14-93)

5.52.020 Seating calculations.

The health officer shall calculate seating capacity to determine the applicable permit fee, as follows:

A. The number of seats and other provisions for on-premises consumption shall be counted; seating used solely for customer waiting shall not be counted.

B. Any restaurant comprised of more than one (1) type of operation, such as a coffee shop and cocktail lounge, may, at the option of the owner, have its seating capacity computed as if the restaurant were only a single operation.

C. Seating count for "take-out" and "drive-in" type food service establishments shall either include the total number of inside and outside seats or two (2) seats for each defined parking stall provided by the food service establishment, whichever is greater.

(R&R 91 §1(part),
5-14-93)

5.52.030 Inspection fees outside departmental hours (hourly rate).

The health officer shall charge fees for inspection service requested by the food service establishment owner to be performed outside regular departmental working hours at a rate equal to the cost of performing the service.

(R&R 91 §1(part), 5-14-93)

5.52.040 Special service fees.

The health officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested by the public that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

A. Reproduction and/or search of records and documents.

B. Special food service establishment examination.

C. Examination, testing or inspection of particular products, materials, procedures, construction, equipment or appliances to determine their compliance with the provisions of this title or their acceptability for use. The health officer shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to county cost for furnishing said services and materials.

(R&R 91 §1(part), 5-14-93)

5.52.050 Penalty for commencing operation without approval.

Any food service establishment owner who commences any work on or any operation of a

food service establishment for which a permit or plan review is required without first having obtained such permit or plan review, shall upon subsequent application for such permit or plan review pay double the fee fixed by the above schedule of fees unless it shall be proved to the satisfaction of the health officer that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section.
(R&R 91 §1(part), 5-14-93)

5.52.060 Refunds.

- A food service establishment owner shall receive a refund of a permit fee if:
- A. A permit is denied;
 - B. A fee has been paid where none is imposed;
 - C. The permit is issued where none is required;
 - D. The permittee never engages in permitted activity due to the refusal of any governmental agency to issue a necessary license;
 - E. The applicant for a permanent permit withdraws his/her application before the permit is issued;
 - F. The applicant for a temporary permit withdraws his/her application more than fourteen (14) days prior to the event; or
 - G. The food service establishment permit has been overpaid by more than twenty-five dollars (\$25.00);
 - H. Except, each refund shall be subject to a twenty-five dollar (\$25.00) deduction for the cost of administration.
- (R&R 91 §1(part), 5-14-93)

5.52.070 Reduced fees.

Every school, every religious, charitable or educational organization or institution with an Internal Revenue Service 501(C)(3) nonprofit taxexempt status and every vending facility under the Washington State Commission for the Blind operating a food service shall obtain a permit therefor from the health officer but shall be eligible for reduced permit fees as provided in the fee schedule.
(R&R 91 §1(part), 5-14-93)

Chapter 5.54 INSPECTIONS AND INVESTIGATIONS

5.54.010 When required.

- Inspections or investigations of a food service establishment:
- A. Shall be performed by the health officer as often as necessary for the enforcement of this title;
 - B. Shall be required by the health officer:
 - 1. Before issuing a permit to a newly constructed permanent food service

establishment, and

2. Following extensive remodeling of an existing food service establishment;
- C. May be required by the health officer:
 1. For renewal of a permit,
 2. Before issuing a new permit to an existing food service establishment,
 3. For an existing food service establishment when the management has changed, and
 4. Before issuance of a temporary permit.

(R&R 91 §1(part), 5-14-93)

5.54.020 Access.

A. The food service establishment owner shall permit the health officer, after proper identification, to enter at any time, for the purpose of making inspections or investigations to determine compliance with this title.

B. The food service establishment owner shall permit the health officer to examine the records of the establishment to obtain information pertaining to:

1. Food and supplies purchased, received or used; and
2. Any person employed which is pertinent to an illness investigation; or
3. Other matters which may affect health or the enforcement of this title.

(R&R 91 §1(part), 5-14-93)

5.54.030 HACCP.

The health officer may conduct a HACCP evaluation in lieu of or in addition to, routine inspections. The health officer may investigate to ensure monitoring of critical control points.

(R&R 91 §1(part), 5-14-93)

5.54.040 Reports.

Whenever an inspection or an investigation of a food service establishment is made:

A. The health officer shall record the findings on an inspection report form approved by the Washington State Department of Health;

B. The health officer shall state on the completed inspection report specific violations found, and establish a specific and reasonable period of time for correction;

C. The health officer shall state on the completed inspection report that failure to comply with any specified time limits for correction may result in a reinspection and/or a department directive to cease permitted operation;

D. The health officer shall state on the completed inspection report that the owner has the opportunity for a hearing, pursuant to Chapter 5.64 of this title, on the inspection findings provided a written request for a hearing is filed with the health officer within ten (10) days following the date of the inspection report;

E. The health officer shall furnish a copy of the completed inspection report to the person in charge of the food service establishment at the conclusion of the inspection; and

F. Enforcement of any reinspection fee or permit reinstatement fee pursuant to this title shall be stayed during the pendency of any hearing requested in accordance with the requirements of this section for requesting a hearing of the findings of an inspection.

(R&R No. 3 §2, 9-20-96: R&R 91 §1(part), 5-14-93)

5.54.050 Frequency.

- A. The health officer shall inspect all food service establishments at least once a year.
 - B. The health officer shall conduct additional inspections of food service establishments based upon the risk of foodborne illness transmission as determined by:
 - 1. Types of foods served;
 - 2. Methods of food preparation and service;
 - 3. Number of meals served; and
 - 4. Past history of compliance.
- (R&R 91 §1(part), 5-14-93)

Chapter 5.56

EXAMINATION, HOLD ORDERS AND DESTRUCTION OF FOOD

5.56.010 Examination and food sampling.

The health officer may examine or collect samples of food as often as the health officer deems necessary in the health officer's sole discretion for enforcement of this title. The cost of any laboratory testing shall be paid by the owner.

(R&R 91 §1(part), 5-14-93)

5.56.020 Hold orders.

- A. The health officer may, after notice to the person in charge, place a written hold order on any suspect food until a determination on its safety can be made and shall:
 - 1. Tag;
 - 2. Label; or
 - 3. Otherwise identify any food subject to the hold order; and
 - 4. Complete a form approved by the Washington State Department of Health for all suspect food.
- B. The hold order issued by the health officer shall include:
 - 1. Instructions for filing a written request for a hearing with the health officer within ten (10) calendar days; and
 - 2. Notification that if a hearing is not requested in accordance with the instructions provided in the hold order and the health officer does not vacate the hold order, the food shall be destroyed under the supervision of the health officer.
- C. When foods are subject to a hold order by the health officer the food service establishment owner is prohibited from:
 - 1. Using;
 - 2. Serving; or
 - 3. Moving them from the food service establishment.
- D. The health officer shall permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case, immediate

destruction shall be ordered by the health officer and accomplished by the food service establishment owner.

E. Based upon evidence provided at the hearing, the health officer shall either:

1. Vacate the hold order; or
2. Direct the food service establishment owner by written order to:
 - a. Denature or destroy such food, or
 - b. Bring the food into compliance with the provisions of this title.

(R&R 91 §1(part), 5-14-93)

5.56.030 Destruction.

A. Whenever the owner or person in charge of a food service establishment knows or should know, that food in that establishment has been improperly handled, stored or prepared shall:

1. Voluntarily destroy the questionable food; or
2. Contact the health officer to determine if the food is safe for human consumption.

B. The owner or person in charge of a food service establishment shall denature or destroy any food if the health officer determines the food presents an imminent or actual health hazard.

(R&R 91 §1(part), 5-14-93)

Chapter 5.58 PROCEDURE WHEN DISEASE TRANSMISSION IS SUSPECTED

5.58.010 Generally.

A. When a possible foodborne illness incident is reported to any food service employee, the food service establishment owner shall:

1. Immediately report the incident to the local health officer; and
2. Remove from sale and refrigerate any suspect foods until released by the health officer.

B. When the health officer or the food service establishment owner has reasonable cause to suspect possible disease transmission through food by any food service establishment personnel, the health officer or food service establishment owner may:

1. Exclude the infected personnel from employment in food service establishments; or
2. Restrict the infected personnel's duties to some area of the food service establishment where there would be no danger of transmitting disease.

(R&R 91 §1(part), 5-14-93)

5.58.020 Actions to control transmission.

A. When the health officer suspects that a food service establishment or its employees, may be a source of a foodborne illness, the health officer shall take appropriate action to control the transmission of disease. Such actions shall include any or all of the following:

1. Secure records that may enable identification of persons potentially exposed to the

disease and/or require additional assistance in locating such persons;

2. Secure the illness history of each suspected employee;
3. Exclude any suspected employee(s) from working in the food service establishment until, in the opinion of the health officer, there is no further risk of disease transmission;
4. Suspend the permit of the food service establishment until, in the opinion of the health officer, there is no further risk of disease transmission;
5. Restrict the work activities of any suspected employee;
6. Require medical and laboratory examinations of any food service employee and of his/her body discharges;
7. Obtain any suspect food for laboratory examination; and/or
8. Require the destruction of suspect food or prevent it from being served.

B. The health officer shall prohibit food handlers with a communicable illness in a disease or carrier state from handling food if the infectious agent can be transmitted through food.

C. The provisions of Chapter 246-100 WAC, Communicable and Certain Other Diseases, shall apply.

(R&R 91 §1(part), 5-14-93)

Chapter 5.60

PERMIT SUSPENSION, REVOCATION AND COMPLIANCE METHODS

5.60.010 Suspensions.

A. The health officer may suspend without notice, warning or hearing any permit to operate a food service establishment if:

1. Continued operation of the food service establishment constitutes an imminent or actual health hazard;
2. Operations, facilities or equipment in the food service establishment fail to comply with this title;
3. The owner does not comply with this title;
4. The owner has interfered with the health officer in the performance of his/her duties;
5. The owner does not comply with the conditions of operation or the condition of a variance.

B. When the health officer has suspended a food service establishment permit, the person in charge:

1. Shall be notified in writing by the health officer that the food service establishment permit is immediately suspended upon service of the notice;
2. Shall immediately cease all food service operations; and
3. May request a hearing by filing a written request for a hearing with the health officer within ten (10) days of receipt of the notice of suspension; and
4. Shall be notified, if a written request for a hearing is not filed within ten (10) days, that the suspension is sustained and that filing of a written request for hearing does not stay the suspension.

(R&R 91 §1(part), 5-14-93)

5.60.020 Reinstatement.

A. Any food service establishment owner whose food service permit has been suspended may at any time make written application for a reinspection for the purpose of reinstatement of the permit. The application shall include a plan for preventing recurrences, a statement, signed by the owner, that in the owner's opinion, the conditions causing the suspension of the permit have been corrected, and a reinstatement fee equal to the applicable annual permit fee for the establishment.

B. The health officer shall make a reinspection within two (2) working days following receipt of a written request for a reinspection, and reinstate the permit if the food service establishment owner is in compliance with this title.

(R&R No. 3 §3, 9-20-96: R&R 91 §1(part), 5-14-93)

5.60.030 Revocation.

A. The health officer may revoke a food service permit after providing the food service establishment owner an opportunity for a hearing if:

1. Serious and repeated violation(s) of any requirements of this title have occurred;
2. A permit has been suspended three (3) times within twelve (12) months; or
3. Assault upon, threats toward, or repeated interference with the health officer in the performance of his/her duty has occurred.

B. Before revocation, the health officer shall notify, in writing, the food service establishment owner of the specific reason(s) why the permit is to be revoked. The notice shall state:

1. That the permit will be revoked at the end of the ten (10) days following such notice unless a written request for a hearing is filed with the health officer by the food service establishment owner within such ten (10) days period; and
2. If a request for a hearing is not filed by the food service establishment owner within the ten (10) day period, the revocation of the permit becomes final.

C. Any food service establishment owner whose permit has been revoked by the health officer, after a period of six (6) months may:

1. Make written application for a new permit; and
2. Request a hearing with the health officer to determine whether a new permit will be issued.

(R&R 91 §1(part), 5-14-93)

5.60.040 Additional compliance methods.

The health officer may initiate any one, or a combination of, compliance methods which include, but are not limited to:

- A. Holding an administrative conference with the food service establishment owner;
- B. Placing the food service establishment owner on probation;
- C. Setting conditions for continued operation of the food service establishment;
- D. Requiring additional education and/or training of employees, management and owners of the food service establishment; and
- E. Completing a hazard analysis critical control point (HACCP) evaluation and requiring

monitoring procedures be implemented for critical control points identified.
(R&R 91 §1(part), 5-14-93)

Chapter 5.62

SERVICE OF NOTICES

5.62.010 Generally.

The health officer shall properly serve a notice provided for in this title by:

- A. Delivering it to the food service establishment owner;
- B. Delivering it to the person in charge of the food service establishment; or
- C. Sending it by registered or certified mail, return receipt requested, to the last known

address of the food service establishment owner.

(R&R 91 §1(part), 5-14-93)

5.62.020 Filing.

The health officer shall file a copy of the notice in the records of the health officer.

(R&R 91 §1(part), 5-14-93)

Chapter 5.64

HEARINGS

5.64.010 Hearings.

The hearings provided for in this title shall be:

- A. Conducted by the health officer; and
- B. Conducted at a time and place designated by the health officer.

(R&R 91 §1(part), 5-14-93)

5.64.020 Findings.

The health officer shall:

- A. Make a final finding based upon the complete hearing record;
- B. Sustain, modify or rescind any notice or order considered in the hearing; and
- C. Furnish a written report of the hearing decision to the food service establishment

owner.

(R&R 91 §1(part), 5-14-93)

Chapter 5.66

VARIANCE CLAUSE

5.66.010 Generally.

The health officer, upon written petition of the food service establishment owner, accompanied by the applicable fee set forth in the fee schedule may, but is not required to, grant a variance to any section of this title covering physical facilities, equipment standards and food source requirements when:

- A. No health hazard would exist as a result of this action;
- B. The variance is consistent with the intent of this title; and
- C. The health officer has stated in writing under what conditions and limitations the variance is granted.

(R&R 91 §1(part), 5-14-93)